

By: Lucio
(Oliveira)

S.B. No. 1760

A BILL TO BE ENTITLED

AN ACT

relating to notice of water and wastewater requirements before certain sales of certain residential properties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.0315 to read as follows:

Sec. 232.0315. NOTICE OF WATER AND WASTEWATER REQUIREMENTS BY COUNTIES. (a) This section applies only to a county that sells:

(1) under Section 34.01, Tax Code, real property presumed to be for residential use under Section 232.022; or

(2) under Section 3, Part VI, Texas Rules of Civil Procedure, and Chapter 34, Civil Practice and Remedies Code, real property presumed to be for residential use under Section 232.022, taken by virtue of a writ of execution.

(b) A county shall include in the public notice of sale of the property and the deed conveying the property a statement substantially similar to the following:

"THIS SALE IS BEING CONDUCTED PURSUANT TO STATUTORY OR JUDICIAL REQUIREMENTS. THE _____ (NAME OF COUNTY) AND THE SHERIFF'S DEPARTMENT ARE ACTING ONLY AS CONDUITS OF INFORMATION. BIDDERS WILL BID ON THE RIGHTS, TITLE, AND INTERESTS, IF ANY, IN THE REAL PROPERTY OFFERED.

"THE PROPERTY IS SOLD AS IS, WHERE IS, AND WITHOUT ANY WARRANTY, EITHER EXPRESS OR IMPLIED. NEITHER THE COUNTY NOR THE

1 SHERIFF'S DEPARTMENT WARRANTS OR MAKES ANY REPRESENTATIONS ABOUT
2 THE PROPERTY'S TITLE, CONDITION, HABITABILITY, MERCHANTABILITY, OR
3 FITNESS FOR A PARTICULAR PURPOSE. BUYERS ASSUME ALL RISKS.

4 "IN SOME SITUATIONS, A LOT OF FIVE ACRES OR LESS IS PRESUMED
5 TO BE INTENDED FOR RESIDENTIAL USE. HOWEVER, IF THE PROPERTY LACKS
6 WATER OR WASTEWATER SERVICE, THE PROPERTY MAY NOT QUALIFY FOR
7 RESIDENTIAL USE. A POTENTIAL BUYER WHO WOULD LIKE MORE INFORMATION
8 SHOULD MAKE ADDITIONAL INQUIRIES OR CONSULT WITH PRIVATE COUNSEL."

9 (c) The statement required by Subsection (b) must be:

10 (1) printed:

11 (A) in English and Spanish; and

12 (B) in 14-point boldface type or 14-point
13 uppercase typewritten letters; and

14 (2) read aloud at the sale, in English and Spanish, by
15 an agent of the county.

16 (d) A sale conducted in violation of this section is void.

17 SECTION 2. The changes in law made by this Act apply only to
18 a sale for which public notice is required on or after the effective
19 date of this Act. A sale for which public notice is required before
20 the effective date of this Act is covered by the law in effect when
21 the public notice was provided, and the former law is continued in
22 effect for that purpose.

23 SECTION 3. This Act takes effect September 1, 2011.

1 COMMITTEE AMENDMENT NO. 1

2 Amend Senate Bill No. 1760 (engrossed), on page 1, lines 19
3 and 20 by striking "THE _____ (NAME OF COUNTY) AND THE SHERIFF'S
4 DEPARTMENT ARE ACTING ONLY AS CONDUITS OF INFORMATION.".

5 Oliveira