

By: Fletcher

H.B. No. 2781

A BILL TO BE ENTITLED

AN ACT

relating to rainwater harvesting and other water conservation initiatives.

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

SECTION 1. Section 447.004(c-1), Government Code, is amended to read as follows:

(c-1) The procedural standards adopted under this section must require that:

(1) on-site reclaimed system technologies, including rainwater harvesting, condensate collection, or cooling tower blow down, or a combination of those system technologies, for potable and nonpotable indoor and outdoor water use [~~and landscape watering~~] be incorporated into the design and construction of:

(A) each new state building with a roof area measuring at least 10,000 square feet; and

(B) any other new state building for which the incorporation of such systems is feasible; and

(2) rainwater harvesting system technology for potable and nonpotable indoor and outdoor water use [~~and landscape watering~~] be incorporated into the design and construction of each new state building with a roof area measuring at least 50,000 square feet that is located in an area of this state in which the average annual rainfall is at least 20 inches.

SECTION 2. Section 341.042(b), Health and Safety Code, as

amended by Chapters 1311 (H.B. 3391) and 1240 (S.B. 1073), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(b) The commission by rule shall provide that if a structure ~~[is connected to a public water supply system and]~~ has a rainwater harvesting system and uses a public water supply for an auxiliary water source ~~[for indoor use]~~, the structure must have appropriate cross-connection safeguards.

SECTION 3. Sections 341.042(b-1) and (b-3), Health and Safety Code, as added by Chapter 1240 (S.B. 1073), Acts of the 82nd Legislature, Regular Session, 2011, are amended to read as follows:

(b-1) A privately owned rainwater harvesting system with a capacity of more than 500 gallons that has an auxiliary water supply shall have a backflow prevention assembly or an air gap installed at the storage facility for the harvested rainwater to ensure physical separation between the rainwater harvesting system and the auxiliary water supply. A rainwater harvesting system that meets the requirements of this subsection is considered connected to a public water supply system only for purposes of compliance with minimum water system capacity requirements as determined by commission rule. ~~[The commission shall work with the department to develop rules regarding the installation and maintenance of rainwater harvesting systems that are used for indoor potable purposes and connected to a public water supply system. The rules must contain criteria that are sufficient to ensure that:~~

~~(1) safe sanitary drinking water standards are met,~~
~~and~~

1 ~~[(2) harvested rainwater does not come into~~
2 ~~communication with a public water supply system's drinking water at~~
3 ~~a location off of the property on which the rainwater harvesting~~
4 ~~system is located.]~~

5 (b-3) A person who intends to use ~~[connect a rainwater~~
6 ~~harvesting system to]~~ a public water supply system as an auxiliary
7 water source ~~[for use for potable purposes]~~ must give written
8 notice of that intention to the municipality in which the rainwater
9 harvesting system is located or the owner or operator of the public
10 water supply system ~~[before connecting the rainwater harvesting~~
11 ~~system to the public water supply system]~~. The public water supply
12 system used as an auxiliary water source may be connected only to
13 the water storage tank and may not be connected to the plumbing of a
14 structure.

15 SECTION 4. Section 341.042(b-3), Health and Safety Code, as
16 added by Chapter 1311 (H.B. 3391), Acts of the 82nd Legislature,
17 Regular Session, 2011, is redesignated as Section 341.042(b-5),
18 Health and Safety Code, and amended to read as follows:

19 (b-5) ~~[(b-3)]~~ A municipality or the owner or operator of a
20 public water supply system may not be held liable for any adverse
21 health effects allegedly caused by the consumption of water
22 collected by a rainwater harvesting system that uses ~~[is connected~~
23 ~~to]~~ a public water supply system or an auxiliary water source and is
24 used for potable purposes if the municipality or the public water
25 supply system is in compliance with the sanitary standards for
26 drinking water adopted by the commission and applicable to the
27 municipality or public water supply system.

SECTION 5. Section 580.004(b), Local Government Code, is amended to read as follows:

(b) The Texas Water Development Board shall ensure that training on rainwater harvesting is available for the members of the permitting staffs of municipalities and counties at least quarterly. Each member of the permitting staff of each county and municipality located wholly or partly in an area designated by the Texas Commission on Environmental Quality as a priority groundwater management area under Section 35.008, Water Code, whose work relates directly to permits involving rainwater harvesting and each member of the permitting staff of each county and municipality with a population of more than 10,000 [~~100,000~~] whose work relates directly to permits involving rainwater harvesting must receive appropriate training regarding rainwater harvesting standards and their relation to permitting at least once every five years. Members of the permitting staffs of counties and municipalities not located wholly or partly in an area designated by the Texas Commission on Environmental Quality as a priority groundwater management area under Section 35.008, Water Code, whose work relates directly to permits involving rainwater harvesting and members of the permitting staffs of counties and municipalities with a population of 10,000 [~~100,000~~] or less whose work relates directly to permits involving rainwater harvesting are encouraged to receive the training. The Texas Water Development Board may provide appropriate training by seminars or by videotape or functionally similar and widely available media without cost.

SECTION 6. Section 5.008(b), Property Code, is amended to

1 read as follows:

2 (b) The notice must be executed and must, at a minimum, read
3 substantially similar to the following:

4 SELLER'S DISCLOSURE NOTICE
5 CONCERNING THE PROPERTY AT _____
6 (Street Address and City)

7 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF
8 THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY
9 SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR
10 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT
11 A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.

12 Seller ___ is ___ is not occupying the Property.

13 If unoccupied, how long since Seller has occupied the Property?

14 _____

15 1. The Property has the items checked below:

16 Write Yes (Y), No (N), or Unknown (U).

17 ___ Range	___ Oven	___ Microwave
18 ___ Dishwasher	___ Trash Compactor	___ Disposal
19 ___ Washer/Dryer	___ Window	___ Rain Gutters
20 Hookups	___ Screens	
21 ___ Security	___ Fire Detection	___ Intercom
22 System	___ Equipment	System
23	___ Smoke Detector	
24	___ Smoke Detector -	
25	___ Hearing Impaired	
26	___ Carbon Monoxide	
27	___ Alarm	
28	___ Emergency Escape	
29	___ Ladder(s)	
30 ___ TV Antenna	___ Cable TV	___ Satellite
31	___ Wiring	Dish
32 ___ Ceiling Fan(s)	___ Attic Fan(s)	___ Exhaust
33		Fan(s)
34 ___ Central A/C	___ Central Heating	___ Wall/Window
35		Air
36		Conditioning
37 ___ Plumbing System	___ Septic System	___ Public Sewer
38		System
39 ___ Patio/Decking	___ Outdoor Grill	___ Fences
40 ___ Pool	___ Sauna	___ Spa
41		___ Hot Tub
42 ___ Pool Equipment	___ Pool Heater	___ Automatic Lawn

			H.B. No. 2781
			Sprinkler
			System
1	___ Fireplace(s) &		___ Fireplace(s) &
2	Chimney		Chimney
3	(Woodburning)		(Mock)
4	___ Natural Gas Lines		___ Gas Fixtures
5	___ Liquid Propane Gas:	___ LP Community	___ LP on Property
6		(Captive)	
7	Garage: ___ Attached	___ Not Attached	___ Carport
8	Garage Door Opener(s):	___ Electronic	___ Control(s)
9	Water Heater:	___ Gas	___ Electric
10	Water Supply: ___ City	___ Well ___ MUD	___ Co-op
11	Roof Type: _____	Age: _____	(approx)

14 Are you (Seller) aware of any of the above items that are not in
 15 working condition, that have known defects, or that are in need of
 16 repair? ___ Yes ___ No ___ Unknown.

17 If yes, then describe. (Attach additional sheets if necessary):
 18 _____
 19 _____

20 2. Does the property have working smoke detectors installed in
 21 accordance with the smoke detector requirements of Chapter 766,
 22 Health and Safety Code?* ___ Yes ___ No ___ Unknown.

23 If the answer to the question above is no or unknown,
 24 explain. (Attach additional sheets if necessary): _____
 25 _____
 26 _____

27 *Chapter 766 of the Health and Safety Code requires
 28 one-family or two-family dwellings to have working smoke detectors
 29 installed in accordance with the requirements of the building code
 30 in effect in the area in which the dwelling is located, including
 31 performance, location, and power source requirements. If you do
 32 not know the building code requirements in effect in your area, you
 33 may check unknown above or contact your local building official for

1 more information. A buyer may require a seller to install smoke
2 detectors for the hearing impaired if: (1) the buyer or a member of
3 the buyer's family who will reside in the dwelling is hearing
4 impaired; (2) the buyer gives the seller written evidence of the
5 hearing impairment from a licensed physician; and (3) within 10
6 days after the effective date, the buyer makes a written request for
7 the seller to install smoke detectors for the hearing impaired and
8 specifies the locations for installation. The parties may agree
9 who will bear the cost of installing the smoke detectors and which
10 brand of smoke detectors to install.

11 3. Are you (Seller) aware of any known defects/malfunctions in any
12 of the following?

13 Write Yes (Y) if you are aware, write No (N) if you are not aware.

14 <input type="checkbox"/> Interior Walls	<input type="checkbox"/> Ceilings	<input type="checkbox"/> Floors
15 <input type="checkbox"/> Exterior Walls	<input type="checkbox"/> Doors	<input type="checkbox"/> Windows
16 <input type="checkbox"/> Roof	<input type="checkbox"/> Foundation/ 17 Slab(s)	<input type="checkbox"/> Basement
18 <input type="checkbox"/> Walls/Fences	<input type="checkbox"/> Driveways	<input type="checkbox"/> Sidewalks
19 <input type="checkbox"/> Plumbing/Sewers/ 20 Septics	<input type="checkbox"/> Electrical Systems	<input type="checkbox"/> Lighting Fixtures

21 ☐ Other Structural Components (Describe): _____
22 _____
23 _____

24 If the answer to any of the above is yes, explain. (Attach
25 additional sheets if necessary): _____
26 _____
27 _____

28 4. Are you (Seller) aware of any of the following conditions?

29 Write Yes (Y) if you are aware, write No (N) if you are not aware.

30 ☐ Active Termites ☐ Previous Structural

1	(includes	or Roof Repair
2	wood-destroying insects)	
3	<input type="checkbox"/> Termite or Wood Rot Damage	<input type="checkbox"/> Hazardous or Toxic Waste
4	Needing Repair	
5	<input type="checkbox"/> Previous Termite Damage	<input type="checkbox"/> Asbestos Components
6	<input type="checkbox"/> Previous Termite	<input type="checkbox"/> Urea formaldehyde
7	Treatment	<input type="checkbox"/> Insulation
8	<input type="checkbox"/> Previous Flooding	<input type="checkbox"/> Radon Gas
9	<input type="checkbox"/> Improper Drainage	<input type="checkbox"/> Lead Based Paint
10	<input type="checkbox"/> Water Penetration	<input type="checkbox"/> Aluminum Wiring
11	<input type="checkbox"/> Located in 100-Year	<input type="checkbox"/> Previous Fires
12	Floodplain	
13	<input type="checkbox"/> Present Flood Insurance	<input type="checkbox"/> Unplatted Easements
14	Coverage	
15	<input type="checkbox"/> Landfill, Settling, Soil	<input type="checkbox"/> Subsurface
16	Movement, Fault Lines	<input type="checkbox"/> Structure or Pits
17	<input type="checkbox"/> Single Blockable Main	<input type="checkbox"/> Previous Use of Premises
18	Drain in Pool/Hot	for Manufacture of
19	Tub/Spa*	Methamphetamine

20 If the answer to any of the above is yes, explain. (Attach
 21 additional sheets if necessary): _____
 22 _____
 23 _____

24 *A single blockable main drain may cause a suction entrapment
 25 hazard for an individual.

26 5. Are you (Seller) aware of any item, equipment, or system in or
 27 on the property that is in need of repair? ☐ Yes (if you are
 28 aware) ☐ No (if you are not aware). If yes, explain (attach
 29 additional sheets as necessary). _____

30 6. Are you (Seller) aware of any of the following?
 31 Write Yes (Y) if you aware, write No (N) if you are not aware.

32 ☐ Room additions, structural modifications, or other
 33 alterations or repairs made without necessary permits or not
 34 in compliance with building codes in effect at that time.
 35 ☐ Homeowners' Association or maintenance fees or assessments.
 36 ☐ Any "common area" (facilities such as pools, tennis courts,
 37 walkways, or other areas) co-owned in undivided interest with
 38 others.
 39 ☐ Any notices of violations of deed restrictions or
 40 governmental ordinances affecting the condition or use of the
 41 Property.

- 1 ___ Any lawsuits directly or indirectly affecting the Property.
2 ___ Any condition on the Property which materially affects the
3 physical health or safety of an individual.
4 ___ Any rainwater harvesting system located on the property that
5 is larger than 500 gallons and that uses a public water supply
6 as an auxiliary water source ~~[connected to the property's~~
7 ~~public water supply that is able to be used for indoor potable~~
8 ~~purposes]~~.

9 If the answer to any of the above is yes, explain. (Attach
10 additional sheets if necessary): _____

11 _____
12 _____

13 7. If the property is located in a coastal area that is seaward of
14 the Gulf Intracoastal Waterway or within 1,000 feet of the mean high
15 tide bordering the Gulf of Mexico, the property may be subject to
16 the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63,
17 Natural Resources Code, respectively) and a beachfront
18 construction certificate or dune protection permit may be required
19 for repairs or improvements. Contact the local government with
20 ordinance authority over construction adjacent to public beaches
21 for more information.

22 _____
23 Date Signature of Seller

24 The undersigned purchaser hereby acknowledges receipt of the
25 foregoing notice.

26 _____
27 Date Signature of Purchaser

28 SECTION 7. Not later than January 1, 2014, the Texas
29 Commission on Environmental Quality shall adopt rules to implement
30 Section 341.042, Health and Safety Code, as amended by this Act.

31 SECTION 8. Sections 341.042(b-1) and (b-2), Health and
32 Safety Code, as added by Chapter 1311 (H.B. 3391), Acts of the 82nd

1 Legislature, Regular Session, 2011, are repealed.

2 SECTION 9. Section 5.008(b), Property Code, as amended by
3 this Act, applies only to a transfer of property that occurs on or
4 after the effective date of this Act. A transfer of property that
5 occurs before the effective date of this Act is governed by the law
6 applicable to the transfer immediately before that date, and the
7 former law is continued in effect for that purpose. For the
8 purposes of this section, a transfer of property occurs before the
9 effective date of this Act if the contract binding the purchaser to
10 purchase the property is executed before that date.

11 SECTION 10. This Act takes effect September 1, 2013.