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
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

(2) the harvested rainwater is used for indoor potable purposes;

(3) the harvested rainwater is not used for landscape irrigation;

(4) the harvested rainwater is not used for irrigation of lawns;

(5) the harvested rainwater is not used for irrigation of ornamental

plants;

(6) the harvested rainwater is not used for irrigation of other

lands;

(7) the harvested rainwater is not used for fire protection;

(8) the harvested rainwater is not used for cooling purposes;

(9) the harvested rainwater is not used for livestock water;

(10) the harvested rainwater is not used for livestock watering;

(11) the harvested rainwater is not used for industrial purposes;

(12) the harvested rainwater is not used for agricultural purposes;

(13) the harvested rainwater is not used for commercial purposes;

(14) the harvested rainwater is not used for recreational purposes;

(15) the harvested rainwater is not used for educational purposes;

(16) the harvested rainwater is not used for utility purposes;

(17) the harvested rainwater is not used for public safety purposes;

(18) the harvested rainwater is not used for public health purposes;

(19) the harvested rainwater is not used for public works purposes;

(20) the harvested rainwater is not used for community purposes;

(21) the harvested rainwater is not used for private purposes;

(22) the harvested rainwater is not used for personal purposes;

(23) the harvested rainwater is not used for family purposes;

(24) the harvested rainwater is not used for individual purposes;

(25) the harvested rainwater is not used for personal assistance;

(26) the harvested rainwater is not used for medical assistance;

(27) the harvested rainwater is not used for legal assistance;

(28) the harvested rainwater is not used for financial assistance;

(29) the harvested rainwater is not used for educational assistance;

(30) the harvested rainwater is not used for agricultural assistance;

(31) the harvested rainwater is not used for industrial assistance;

(32) the harvested rainwater is not used for commercial assistance;

(33) the harvested rainwater is not used for utility assistance;

(34) the harvested rainwater is not used for public safety assistance;

(35) the harvested rainwater is not used for public health assistance;

(36) the harvested rainwater is not used for public works assistance;

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(39) the harvested rainwater is not used for personal assistance;

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(41) the harvested rainwater is not used for individual assistance;

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(43) the harvested rainwater is not used for financial assistance;

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(65) the harvested rainwater is not used for industrial assistance;

(66) the harvested rainwater is not used for commercial assistance;

(67) the harvested rainwater is not used for utility assistance;

(68) the harvested rainwater is not used for public safety assistance;

(69) the harvested rainwater is not used for public health assistance;

(70) the harvested rainwater is not used for public works assistance;

(71) the harvested rainwater is not used for community assistance;

(72) the harvested rainwater is not used for private assistance;
(2) harvested rainwater does not come into communication with a public water supply system’s drinking water at a location off of the property on which the rainwater harvesting system is located.)

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

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

(b-5) A municipality or the owner or operator of a public water supply system may not be held liable for any adverse health effects allegedly caused by the consumption of water collected by a rainwater harvesting system that uses a public water supply system or an auxiliary water source and is used for potable purposes if the municipality or the public water supply system is in compliance with the sanitary standards for drinking water adopted by the commission and applicable to the 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
**(b)** The notice must be executed and must, at a minimum, read substantially similar to the following:

**SELLER'S DISCLOSURE NOTICE**

CONCERNING THE PROPERTY AT ________________________________________

(Street Address and City)

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

Seller __ is __ is not occupying the Property.

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

________________________________________________________________

1. The Property has the items checked below:

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>Range</td>
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<tr>
<td>Dishwasher</td>
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<tr>
<td>Washer/Dryer</td>
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<td>Hookups</td>
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<tr>
<td>Security System</td>
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<tr>
<td>Range</td>
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<td>Hookups</td>
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<tr>
<td>Security System</td>
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<tr>
<td>Smoke Detector</td>
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<tr>
<td>Smoke Detector - Hearing Impaired</td>
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<tr>
<td>Carbon Monoxide</td>
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<tr>
<td>Alarm</td>
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<tr>
<td>Emergency Escape</td>
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<tr>
<td>Ladder(s)</td>
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<tr>
<td>TV Antenna</td>
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<tr>
<td>Ceiling Fan(s)</td>
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<tr>
<td>Central A/C</td>
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<tr>
<td>Plumbing System</td>
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<tr>
<td>Patio/Decking</td>
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<tr>
<td>Pool</td>
<td></td>
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<tr>
<td>Pool Equipment</td>
<td></td>
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</tbody>
</table>

2. Write Yes (Y), No (N), or Unknown (U).
<table>
<thead>
<tr>
<th>Item</th>
<th>Yes</th>
<th>No</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sprinkler System</td>
<td></td>
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<tr>
<td>Chimney (Woodburning)</td>
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<tr>
<td>Natural Gas Lines</td>
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<tr>
<td>Liquid Propane Gas:</td>
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<tr>
<td>Gas Fixtures</td>
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<tr>
<td>Garage: Attached</td>
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<tr>
<td>Electronic Garage Door Opener(s)</td>
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<tr>
<td>Gas Water Heater</td>
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<tr>
<td>Electric Water Supply</td>
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<tr>
<td>MUD Roof Type</td>
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<tr>
<td>City Age: _________________________</td>
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</tbody>
</table>

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

If yes, then describe. (Attach additional sheets if necessary):

________________________________________________________________
________________________________________________________________

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

If the answer to the question above is no or unknown, explain. (Attach additional sheets if necessary): __________

________________________________________________________________
________________________________________________________________

*Chapter 766 of the Health and Safety Code requires one-family or two-family dwellings to have working smoke detectors installed in accordance with the requirements of the building code in effect in the area in which the dwelling is located, including performance, location, and power source requirements. If you do not know the building code requirements in effect in your area, you may check unknown above or contact your local building official for
more information. A buyer may require a seller to install smoke
detectors for the hearing impaired if: (1) the buyer or a member of
the buyer's family who will reside in the dwelling is hearing
impaired; (2) the buyer gives the seller written evidence of the
hearing impairment from a licensed physician; and (3) within 10
days after the effective date, the buyer makes a written request for
the seller to install smoke detectors for the hearing impaired and
specifies the locations for installation. The parties may agree
who will bear the cost of installing the smoke detectors and which
brand of smoke detectors to install.

3. Are you (Seller) aware of any known defects/malfunctions in any
of the following?
Write Yes (Y) if you are aware, write No (N) if you are not aware.

__ Interior Walls  __ Ceilings  __ Floors
__ Exterior Walls  __ Doors  __ Windows
__ Roof  __ Foundation/  __ Basement
 __ Slab(s)
__ Walls/Fences  __ Driveways  __ Sidewalks
__ Plumbing/Sewers/  __ Electrical  __ Lighting
 __ Septics  __ Systems  __ Fixtures
__ Other Structural Components (Describe):_______________________
________________________________________________________________
________________________________________________________________
If the answer to any of the above is yes, explain. (Attach
additional sheets if necessary):________________________________
________________________________________________________________
________________________________________________________________

4. Are you (Seller) aware of any of the following conditions?
Write Yes (Y) if you are aware, write No (N) if you are not aware.
__ Active Termites  __ Previous Structural
(includes wood-destroying insects)  __ Termite or Wood Rot Damage  __ Hazardous or Toxic Waste
__ Previous Termite Damage  __ Urea formaldehyde  __ Room additions, structural modifications, or other
__ Previous Termite Treatment  __ Insulation  alterations or repairs made without necessary permits or not
__ Previous Flooding  __ Radon Gas  in compliance with building codes in effect at that time.
__ Improper Drainage  __ Lead Based Paint  __ Homeowners' Association or maintenance fees or assessments.
__ Water Penetration  __ Aluminum Wiring  __ Any "common area" (facilities such as pools, tennis courts,
 __ Located in 100-Year Floodplain  __ Previous Fires  walkways, or other areas) co-owned in undivided interest with
 __ Present Flood Insurance Coverage  __ Unplatted Easements  others.
 __ Landfill, Settling, Soil Movement, Fault Lines  __ Subsurface  __ Any notices of violations of deed restrictions or
 __ Single Blockable Main Drain in Pool/Hot Tub/Spa*  __ Previous Use of Premises  governmental ordinances affecting the condition or use of the
 __ Previous Fires

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

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

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

6. Are you (Seller) aware of any of the following?

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

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

Any condition on the Property which materially affects the physical health or safety of an individual.

Any rainwater harvesting system located on the property that is larger than 500 gallons and that uses a public water supply as an auxiliary water source [connected to the property's public water supply that is able to be used for indoor potable purposes].

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

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

Date Signature of Seller

Date Signature of Purchaser

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

SECTION 8. Sections 341.042(b-1) and (b-2), Health and Safety Code, as added by Chapter 1311 (H.B. 3391), Acts of the 82nd
H.B. No. 2781

Legislature, Regular Session, 2011, are repealed.

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

SECTION 10. This Act takes effect September 1, 2013.
H.B. No. 2781

President of the Senate

I certify that H.B. No. 2781 was passed by the House on May 8, 2013, by the following vote: Yeas 137, Nays 10, 2 present, not voting.

______________________________
Chief Clerk of the House

I certify that H.B. No. 2781 was passed by the Senate on May 22, 2013, by the following vote: Yeas 29, Nays 2.

______________________________
Secretary of the Senate

APPROVED: ______________________

Date

______________________________
Governor