

By: Lucio III

H.B. No. 1221

A BILL TO BE ENTITLED

AN ACT

relating to seller's disclosures in connection with residential real property subject to groundwater regulation.

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

SECTION 1. Section 5.008(b), Property Code, is amended to read as follows:

(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).

- | | | |
|--|---|--|
| <input type="checkbox"/> Range | <input type="checkbox"/> Oven | <input type="checkbox"/> Microwave |
| <input type="checkbox"/> Dishwasher | <input type="checkbox"/> Trash Compactor | <input type="checkbox"/> Disposal |
| <input type="checkbox"/> Washer/Dryer | <input type="checkbox"/> Window | <input type="checkbox"/> Rain Gutters |
| <input type="checkbox"/> Hookups | <input type="checkbox"/> Screens | |
| <input type="checkbox"/> Security System | <input type="checkbox"/> Fire Detection Equipment | <input type="checkbox"/> Intercom System |
| | <input type="checkbox"/> Smoke Detector | |
| | <input type="checkbox"/> Smoke Detector - | |
| | <input type="checkbox"/> Hearing Impaired | |
| | <input type="checkbox"/> Carbon Monoxide | |

- 1 Alarm
- 2 Emergency Escape
- 3 Ladder(s)
- 4 TV Antenna Cable TV Satellite
- 5 Ceiling Fan(s) Wiring Dish
- 6 Central A/C Attic Fan(s) Exhaust
- 7 Central Heating Fan(s)
- 8 Wall/Window
- 9 Air
- 10 Conditioning
- 11 Plumbing System Septic System Public Sewer
- 12 System
- 13 Patio/Decking Outdoor Grill Fences
- 14 Pool Sauna Spa
- 15 Hot Tub
- 16 Pool Equipment Pool Heater Automatic Lawn
- 17 Sprinkler
- 18 System
- 19 Fireplace(s) & Fireplace(s) &
- 20 Chimney Chimney
- 21 (Woodburning) (Mock)
- 22 Natural Gas Lines Gas Fixtures
- 23 Liquid Propane Gas: LP Community LP on Property
- 24 (Captive)
- 25 Garage: Attached Not Attached Carport
- 26 Garage Door Opener(s): Electronic Control(s)
- 27 Water Heater: Gas Electric
- 28 Water Supply: City Well MUD Co-op
- 29 Roof Type: _____ Age: _____(approx)

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

33 If yes, then describe. (Attach additional sheets if necessary):
 34 _____
 35 _____

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

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

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

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

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

- | | | | |
|----|---|--|---|
| 22 | <input type="checkbox"/> Interior Walls | <input type="checkbox"/> Ceilings | <input type="checkbox"/> Floors |
| 23 | <input type="checkbox"/> Exterior Walls | <input type="checkbox"/> Doors | <input type="checkbox"/> Windows |
| 24 | <input type="checkbox"/> Roof | <input type="checkbox"/> Foundation/
25 Slab(s) | <input type="checkbox"/> Basement |
| 26 | <input type="checkbox"/> Walls/Fences | <input type="checkbox"/> Driveways | <input type="checkbox"/> Sidewalks |
| 27 | <input type="checkbox"/> Plumbing/Sewers/
28 Septics | <input type="checkbox"/> Electrical
Systems | <input type="checkbox"/> Lighting
Fixtures |

29 Other Structural Components (Describe): _____
30 _____

1 _____
2 If the answer to any of the above is yes, explain. (Attach
3 additional sheets if necessary): _____
4 _____
5 _____

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

- | | | |
|----|---|---|
| 8 | <input type="checkbox"/> Active Termites | <input type="checkbox"/> Previous Structural |
| 9 | (includes | or Roof Repair |
| 10 | wood-destroying insects) | |
| 11 | <input type="checkbox"/> Termite or Wood Rot Damage | <input type="checkbox"/> Hazardous or Toxic Waste |
| 12 | Needing Repair | |
| 13 | <input type="checkbox"/> Previous Termite Damage | <input type="checkbox"/> Asbestos Components |
| 14 | <input type="checkbox"/> Previous Termite | <input type="checkbox"/> Urea formaldehyde |
| 15 | Treatment | Insulation |
| 16 | <input type="checkbox"/> Previous Flooding | <input type="checkbox"/> Radon Gas |
| 17 | <input type="checkbox"/> Improper Drainage | <input type="checkbox"/> Lead Based Paint |
| 18 | <input type="checkbox"/> Water Penetration | <input type="checkbox"/> Aluminum Wiring |
| 19 | <input type="checkbox"/> Located in 100-Year | <input type="checkbox"/> Previous Fires |
| 20 | Floodplain | |
| 21 | <input type="checkbox"/> Present Flood Insurance | <input type="checkbox"/> Unplatted Easements |
| 22 | Coverage | |
| 23 | <input type="checkbox"/> Landfill, Settling, Soil | <input type="checkbox"/> Subsurface |
| 24 | Movement, Fault Lines | Structure or Pits |
| 25 | <input type="checkbox"/> Single Blockable Main | <input type="checkbox"/> Previous Use of Premises |
| 26 | Drain in Pool/Hot | for Manufacture of |
| 27 | Tub/Spa* | Methamphetamine |

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

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

34 5. Are you (Seller) aware of any item, equipment, or system in or
35 on the property that is in need of repair? Yes (if you are
36 aware) No (if you are not aware). If yes, explain (attach

1 additional sheets as necessary).

2 _____

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

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

5 ___ Room additions, structural modifications, or other
6 alterations or repairs made without necessary permits or not
7 in compliance with building codes in effect at that time.

8 ___ Homeowners' Association or maintenance fees or assessments.

9 ___ Any "common area" (facilities such as pools, tennis courts,
10 walkways, or other areas) co-owned in undivided interest with
11 others.

12 ___ Any notices of violations of deed restrictions or
13 governmental ordinances affecting the condition or use of the
14 Property.

15 ___ Any lawsuits directly or indirectly affecting the Property.

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

18 ___ Any rainwater harvesting system located on the property that
19 is larger than 500 gallons and that uses a public water supply
20 as an auxiliary water source.

21 ___ Any portion of the property that is located in a groundwater
22 conservation district, a subsidence district, or other
23 special purpose district with the authority to regulate the
24 withdrawal of groundwater.

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

27 _____

28 _____

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

1 for more information.

2 _____
3 Date Signature of Seller

4 The undersigned purchaser hereby acknowledges receipt of the
5 foregoing notice.

6 _____
7 Date Signature of Purchaser

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

17 SECTION 3. This Act takes effect September 1, 2015.