

By: Bonnen of Brazoria

H.B. No. 1665

A BILL TO BE ENTITLED

AN ACT

relating to notice of water level fluctuations to purchasers of real property adjoining an impoundment of water.

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

SECTION 1. Subchapter A, Chapter 5, Property Code, is amended by adding Section 5.019 to read as follows:

Sec. 5.019. NOTICE OF WATER LEVEL FLUCTUATIONS. (a) This section applies only to the sale of residential or commercial real property adjoining an impoundment of water, including a reservoir or lake, constructed and maintained under Chapter 11, Water Code, that has a storage capacity of at least 5,000 acre-feet at the impoundment's normal operating level.

(b) A seller of real property shall give to the purchaser of the property a written notice in substantially the following form:

NOTICE OF WATER LEVEL FLUCTUATIONS

The water level of the impoundment of water adjoining the property at _____ (street address and city) or described as _____ (legal description) fluctuates for various reasons, including as a result of:

(1) an entity lawfully exercising its right to use the water stored in the impoundment; or

(2) drought or flood conditions.

(c) The notice described by Subsection (b) shall be delivered by the seller to the purchaser on or before the effective

1 date of an executory contract binding the purchaser to purchase the
2 property. If a contract is entered into without the seller
3 providing the notice required by this section, the purchaser may
4 terminate the contract for any reason within seven days after
5 receiving the notice.

6 SECTION 2. Section 5.019, Property Code, as added by this
7 Act, applies only to an executory contract entered into on or after
8 the effective date of this Act. An executory contract entered into
9 before the effective date of this Act is governed by the law as it
10 existed immediately before the effective date of this Act, and that
11 law is continued in effect for that purpose.

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