

By: Estes

S.B. No. 1412

A BILL TO BE ENTITLED

1 AN ACT
2 relating to seller's disclosures in connection with residential
3 real property subject to groundwater regulation.

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

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

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

9 SELLER'S DISCLOSURE NOTICE
10 CONCERNING THE PROPERTY AT _____
11 (Street Address and City)

12
13 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF
14 THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY
15 SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR
16 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT
17 A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.

18 Seller ___ is ___ is not occupying the Property.

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

20 _____

21 1. The Property has the items checked below:

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

23

- | | | | |
|----|--|---|---|
| 1 | <input type="checkbox"/> Range | <input type="checkbox"/> Oven | <input type="checkbox"/> Microwave |
| 2 | <input type="checkbox"/> Dishwasher | <input type="checkbox"/> Trash Compactor | <input type="checkbox"/> Disposal |
| 3 | <input type="checkbox"/> Washer/Dryer | <input type="checkbox"/> Window | <input type="checkbox"/> Rain Gutters |
| 4 | Hookups | Screens | |
| 5 | <input type="checkbox"/> Security | <input type="checkbox"/> Fire Detection | <input type="checkbox"/> Intercom |
| 6 | System | Equipment | System |
| 7 | | <input type="checkbox"/> Smoke Detector | |
| 8 | | <input type="checkbox"/> Smoke Detector - | |
| 9 | | Hearing Impaired | |
| 10 | | <input type="checkbox"/> Carbon Monoxide | |
| 11 | | Alarm | |
| 12 | | <input type="checkbox"/> Emergency Escape | |
| 13 | | Ladder(s) | |
| 14 | <input type="checkbox"/> TV Antenna | <input type="checkbox"/> Cable TV | <input type="checkbox"/> Satellite |
| 15 | | Wiring | Dish |
| 16 | <input type="checkbox"/> Ceiling Fan(s) | <input type="checkbox"/> Attic Fan(s) | <input type="checkbox"/> Exhaust |
| 17 | | | Fan(s) |
| 18 | <input type="checkbox"/> Central A/C | <input type="checkbox"/> Central Heating | <input type="checkbox"/> Wall/Window |
| 19 | | | Air |
| 20 | | | Conditioning |
| 21 | <input type="checkbox"/> Plumbing System | <input type="checkbox"/> Septic System | <input type="checkbox"/> Public Sewer |
| 22 | | | System |
| 23 | <input type="checkbox"/> Patio/Decking | <input type="checkbox"/> Outdoor Grill | <input type="checkbox"/> Fences |
| 24 | <input type="checkbox"/> Pool | <input type="checkbox"/> Sauna | <input type="checkbox"/> Spa |
| 25 | | | <input type="checkbox"/> Hot Tub |
| 26 | <input type="checkbox"/> Pool Equipment | <input type="checkbox"/> Pool Heater | <input type="checkbox"/> Automatic Lawn |
| 27 | | | Sprinkler |

1 System
2 Fireplace(s) & Fireplace(s) &
3 Chimney Chimney
4 (Woodburning) (Mock)
5 Natural Gas Lines Gas Fixtures
6 Liquid Propane Gas: LP Community LP on Property
7 (Captive)
8 Garage: Attached Not Attached Carport
9 Garage Door Opener(s): Electronic Control(s)
10 Water Heater: Gas Electric
11 Water Supply: City Well MUD Co-op
12 Roof Type: _____ Age: _____(approx)

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

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

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

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

26 *Chapter 766 of the Health and Safety Code requires
27 one-family or two-family dwellings to have working smoke detectors

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

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

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

- 19
- | | | | |
|----|--|--|---|
| 20 | <input type="checkbox"/> Interior Walls | <input type="checkbox"/> Ceilings | <input type="checkbox"/> Floors |
| 21 | <input type="checkbox"/> Exterior Walls | <input type="checkbox"/> Doors | <input type="checkbox"/> Windows |
| 22 | <input type="checkbox"/> Roof | <input type="checkbox"/> Foundation/
23 Slab(s) | <input type="checkbox"/> Basement |
| 24 | <input type="checkbox"/> Walls/Fences | <input type="checkbox"/> Driveways | <input type="checkbox"/> Sidewalks |
| 25 | <input type="checkbox"/> Plumbing/Sewers/
26 Septics | <input type="checkbox"/> Electrical
Systems | <input type="checkbox"/> Lighting
Fixtures |
| 27 | <input type="checkbox"/> Other Structural Components (Describe): _____ | | |

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

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

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

1 Drain in Pool/Hot for Manufacture of
2 Tub/Spa* Methamphetamine

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

5 _____
6 _____

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

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

13 _____

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

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

16
17 ___Room additions, structural modifications, or other alterations
18 or repairs made without necessary permits or not in compliance
19 with building codes in effect at that time.

20 ___Homeowners' Association or maintenance fees or assessments.

21 ___Any "common area" (facilities such as pools, tennis courts,
22 walkways, or other areas) co-owned in undivided interest with
23 others.

24 ___Any notices of violations of deed restrictions or governmental
25 ordinances affecting the condition or use of the Property.

26 ___Any lawsuits directly or indirectly affecting the Property.

1 ___Any condition on the Property which materially affects the
2 physical health or safety of an individual.

3 ___Any rainwater harvesting system located on the property that is
4 larger than 500 gallons and that uses a public water supply as an
5 auxiliary water source.

6 Any portion of the property that is located in a groundwater
7 conservation district, a subsidence district, or other special
8 purpose district with the authority to regulate the withdrawal
9 of groundwater.

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

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

23 _____
24 Date Signature of Seller

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

27 _____

1 Date Signature of Purchaser

2 SECTION 2. 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 purposes of
8 this section, a transfer of property occurs before the effective
9 date of this Act if the contract binding the purchaser to purchase
10 the property is executed before that date.

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