

House Bill 1221
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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		
Hookups	Screens	
<input type="checkbox"/> Security	<input type="checkbox"/> Fire Detection	<input type="checkbox"/>

SENATE VERSION (IE)

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<input type="checkbox"/> Washer/Dryer	<input type="checkbox"/> Window	<input type="checkbox"/>
Rain Gutters		
Hookups	Screens	
<input type="checkbox"/> Security	<input type="checkbox"/> Fire Detection	<input type="checkbox"/>

CONFERENCE

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HOUSE VERSION			SENATE VERSION (IE)			CONFERENCE
Intercom System	Equipment	System	Intercom System	Equipment	System	
	<input type="checkbox"/> Smoke Detector <input type="checkbox"/> Smoke Detector - Hearing Impaired <input type="checkbox"/> Carbon Monoxide Alarm <input type="checkbox"/> Emergency Escape Ladder(s)			<input type="checkbox"/> Smoke Detector <input type="checkbox"/> Smoke Detector - Hearing Impaired <input type="checkbox"/> Carbon Monoxide Alarm <input type="checkbox"/> Emergency Escape Ladder(s)		
<input type="checkbox"/> TV Antenna	<input type="checkbox"/> Cable TV	<input type="checkbox"/> Satellite	<input type="checkbox"/> TV Antenna	<input type="checkbox"/> Cable TV	<input type="checkbox"/> Satellite	
	Wiring	Dish		Wiring	Dish	
<input type="checkbox"/> Ceiling Fan(s) Exhaust	<input type="checkbox"/> Attic Fan(s)	<input type="checkbox"/>	<input type="checkbox"/> Ceiling Fan(s) Exhaust	<input type="checkbox"/> Attic Fan(s)	<input type="checkbox"/>	
	Fan(s)			Fan(s)		
<input type="checkbox"/> Central A/C Wall/Window	<input type="checkbox"/> Central Heating	<input type="checkbox"/>	<input type="checkbox"/> Central A/C Wall/Window	<input type="checkbox"/> Central Heating	<input type="checkbox"/>	
	Air Conditioning			Air Conditioning		
<input type="checkbox"/> Plumbing System	<input type="checkbox"/> Septic System		<input type="checkbox"/> Plumbing System	<input type="checkbox"/> Septic System		
<input type="checkbox"/> Public Sewer			<input type="checkbox"/> Public Sewer			
	System			System		
<input type="checkbox"/> Patio/Decking	<input type="checkbox"/> Outdoor Grill		<input type="checkbox"/> Patio/Decking	<input type="checkbox"/> Outdoor Grill		
<input type="checkbox"/> Fences			<input type="checkbox"/> Fences			
<input type="checkbox"/> Pool	<input type="checkbox"/> Spa		<input type="checkbox"/> Pool	<input type="checkbox"/> Spa		
	Hot Tub			Hot Tub		
<input type="checkbox"/> Pool Equipment	<input type="checkbox"/> Pool Heater	<input type="checkbox"/>	<input type="checkbox"/> Pool Equipment	<input type="checkbox"/> Pool Heater	<input type="checkbox"/>	
Automatic Lawn			Automatic Lawn			
	Sprinkler System			Sprinkler System		
<input type="checkbox"/> Fireplace(s) &		<input type="checkbox"/>	<input type="checkbox"/> Fireplace(s) &		<input type="checkbox"/>	

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Fireplace(s) &
Chimney
(Woodburning) Chimney
(Mock) Gas

___ Natural Gas Lines ___ Gas
Fixtures

___ Liquid Propane Gas: ___ LP Community
 ___ LP on Property
 (Captive)

Garage: ___ Attached ___ Not Attached
 ___ Carport

Garage Door Opener(s): ___ Electronic ___

Water Heater: ___ Gas ___ Electric

Water Supply: ___ City ___ Well ___ MUD
 ___ Co-op

Roof Type: _____ Age:
 _____(approx)

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): _____

SENATE VERSION (IE)

Fireplace(s) &
Chimney
(Woodburning) Chimney
(Mock) Gas

___ Natural Gas Lines ___ Gas
Fixtures

___ Liquid Propane Gas: ___ LP Community
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SENATE VERSION (IE)

CONFERENCE

*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.

<input type="checkbox"/> Interior Walls	<input type="checkbox"/> Ceilings	<input type="checkbox"/>
<input type="checkbox"/> Floors		
<input type="checkbox"/> Exterior Walls	<input type="checkbox"/> Doors	<input type="checkbox"/>
<input type="checkbox"/> Windows		
<input type="checkbox"/> Roof	<input type="checkbox"/> Foundation/	<input type="checkbox"/> Basement

*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.

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SENATE VERSION (IE)

CONFERENCE

Slab(s)

___ Walls/Fences ___ Driveways ___
Sidewalks
___ Plumbing/Sewers/ ___ Electrical ___
Lighting
Septics Systems Fixtures

___ Other Structural Components
(Describe): _____

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): _____

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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.

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___ Active Termites ___ Previous Structural
(includes or Roof Repair
wood-destroying insects)
___ Termite or Wood Rot Damage ___
Hazardous or Toxic Waste
Needing Repair
___ Previous Termite Damage ___ Asbestos

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wood-destroying insects)
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Hazardous or Toxic Waste
Needing Repair
___ Previous Termite Damage ___ Asbestos

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Components
 Previous Termite Treatment Urea formaldehyde Insulation
 Previous Flooding Radon Gas
 Improper Drainage Lead Based Paint
 Water Penetration Aluminum Wiring
 Located in 100-Year Floodplain Previous Fires
 Present Flood Insurance Unplatted Easements
Coverage
 Landfill, Settling, Soil Movement, Fault Lines Subsurface Structure or Pits

 Single Blockable Main Premises Previous Use of
Drain in Pool/Hot Tub/Spa* for Manufacture of Methamphetamine
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).

SENATE VERSION (IE)

Components
 Previous Termite Treatment Urea formaldehyde Insulation
 Previous Flooding Radon Gas
 Improper Drainage Lead Based Paint
 Water Penetration Aluminum Wiring
 Located in 100-Year Floodplain Previous Fires
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6. Are you (Seller) aware of any of the following?

Write Yes (Y) if you are 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 Property.

___ 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.

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

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

SENATE VERSION (IE)

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

Write Yes (Y) if you are 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 Property.

___ 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.

___ Any portion of the property that is located in a groundwater conservation district or a subsidence district. [FA1(2)]

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

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7. 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
The undersigned purchaser hereby acknowledges receipt of the foregoing notice.

Date Signature of Purchaser

SECTION 2. 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 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.

SENATE VERSION (IE)

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The undersigned purchaser hereby acknowledges receipt of the foregoing notice.

Date Signature of Purchaser

SECTION 2. Same as House version.

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No equivalent provision.

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

SENATE VERSION (IE)

SECTION __. It is the intent of the legislature that Section 5.008(b), Property Code, as amended by this Act, does not:

- (1) require a seller to disclose that the residential real property subject to a notice required by that section is located in a groundwater conservation district or a subsidence district unless the seller has actual knowledge on the date of the notice that the real property is located in a groundwater conservation district or a subsidence district; or
- (2) create any duty for any person to investigate to determine if the residential real property is located in a groundwater conservation district or a subsidence district. [FA1(1)]

SECTION 3. This Act takes effect January 1, 2016.

CONFERENCE