By: Geren, Gutierrez, Minjarez, Holland, Lambert

H.B. No. 890

A BILL TO BE ENTITLED

AN ACT

relating to providing information to the public and to purchasers
of real property regarding the impact of military installations.

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

SECTION 1. Chapter 397, Local Government Code, is amended
by adding Section 397.007 to read as follows:

Sec. 397.007. PUBLIC INFORMATION REGARDING IMPACT OF
MILITARY INSTALLATIONS. A county and any municipality in which is
located a military installation shall work closely with the
military installation as necessary to ensure that the most recent
Air Installation Compatible Use Zone Study or Joint Land Use Study
applicable to each military installation or a link to that
information is publicly available on the local governmental
entity's Internet website.

SECTION 2. 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.
1. Seller __ is __ is not occupying the Property.

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

3. ____________________________________________________________________

4. The Property has the items checked below:

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Yes (Y)</th>
<th>No (N)</th>
<th>Unknown (U)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Range</td>
<td>__</td>
<td>__</td>
<td>__</td>
</tr>
<tr>
<td>Dishwasher</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Washer/Dryer</td>
<td>__</td>
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<tr>
<td>Security System</td>
<td>__</td>
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<tr>
<td>Oven</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Trash Compactor</td>
<td>__</td>
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<tr>
<td>Window</td>
<td>__</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Screens</td>
<td>__</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Fire Detection Equipment</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Smoke Detector</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Smoke Detector - Hearing Impaired</td>
<td>__</td>
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<td>__</td>
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<tr>
<td>Carbon Monoxide Alarm</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Emergency Escape Ladder(s)</td>
<td>__</td>
<td>__</td>
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<tr>
<td>TV Antenna</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Cable TV</td>
<td>__</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Ceiling Fan(s)</td>
<td>__</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Attic Fan(s)</td>
<td>__</td>
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<tr>
<td>Central A/C</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Central Heating</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Plumbing System</td>
<td>__</td>
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<tr>
<td>Septic System</td>
<td>__</td>
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<tr>
<td>Patio/Decking</td>
<td>__</td>
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<tr>
<td>Outdoor Grill</td>
<td>__</td>
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<tr>
<td>Pool</td>
<td>__</td>
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<tr>
<td>Sauna</td>
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<td>__</td>
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<tr>
<td>Pool Equipment</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Pool Heater</td>
<td>__</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Fireplace(s) &amp; Chimney</td>
<td>__</td>
<td>__</td>
<td>__</td>
</tr>
<tr>
<td>(Woodburning)</td>
<td>__</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Natural Gas Lines</td>
<td>__</td>
<td>__</td>
<td>__</td>
</tr>
<tr>
<td>Liquid Propane Gas (Captive)</td>
<td>__</td>
<td>__</td>
<td>__</td>
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<tr>
<td>(LP Community)</td>
<td>__</td>
<td>__</td>
<td>__</td>
</tr>
<tr>
<td>(LP on Property)</td>
<td>__</td>
<td>__</td>
<td>__</td>
</tr>
<tr>
<td>Garage: Attched</td>
<td>__</td>
<td>__</td>
<td>__</td>
</tr>
<tr>
<td>Garage Door Opener(s)</td>
<td>__</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Water Heater:</td>
<td>__</td>
<td>__</td>
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<tr>
<td>Water Supply:</td>
<td>__</td>
<td>__</td>
<td>__</td>
</tr>
<tr>
<td>Roof Type:</td>
<td>__</td>
<td>__</td>
<td>__</td>
</tr>
<tr>
<td>Age:</td>
<td>__</td>
<td>__</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
1. brand of smoke detectors to install.

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

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

5. __ Interior Walls __ Ceilings __ Floors
6. __ Exterior Walls __ Doors __ Windows
7. __ Roof __ Foundation/ __ Basement
8. __ Slab(s) __ Driveways __ Sidewalks
9. __ Walls/Fences __ Plumbing/Sewers/ __ Electrical __ Lighting
10. __ Roof __ Septics __ Systems __ Fixtures
11. __ Other Structural Components (Describe):_______________________
12. _______________________________________________________________________
13. _______________________________________________________________________
14. If the answer to any of the above is yes, explain. (Attach additional sheets if necessary):
15. _______________________________________________________________________
16. _______________________________________________________________________
17. _______________________________________________________________________

19. 4. Are you (Seller) aware of any of the following conditions?

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

21. __ Active Termites __ Previous Structural
22. (includes __ or Roof Repair
23. wood-destroying insects) __ Hazardous or Toxic Waste
24. __ Termite or Wood Rot Damage __ Asbestos Components
25. __ Needing Repair __ Urea formaldehyde
26. __ Previous Termite Damage __ Insulation
27. __ Previous Termite __ Radon Gas
28. __ Treatment __ Lead Based Paint
29. __ Previous Flooding __ Aluminum Wiring
30. __ Improper Drainage __ Previous Fires
31. __ Water Penetration __ Unplatted Easements
32. __ Located in 100-Year __
33. __ Floodplain __ Coverage
34. __ Present Flood Insurance __ Subsurface
35. __ Coverage __ Structure or Pits
36. __ Landfill, Settling, Soil __ Previous Use of Premises
37. __ Movement, Fault Lines __ for Manufacture of
38. __ Single Blockable Main ___
39. __ Drain in Pool/Hot ___
1. Tub/Spa* Methamphetamine

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

3. ____________________________________________

4. ____________________________________________

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

6. 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).

7. ____________________________________________

8. 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.

9. __ 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.

10. __ Homeowners' Association or maintenance fees or assessments.

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

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

13. __ Any lawsuits directly or indirectly affecting the Property.

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

15. __ 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.

16. __ Any portion of the property that is located in a groundwater conservation district or a subsidence district.

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

17. ____________________________________________

18. ____________________________________________

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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.

8. This property may be located near a military installation and
may be affected by high noise or air installation compatible use
zones or other operations. Information relating to high noise and
compatible use zones is available in the most recent Air
Installation Compatible Use Zone Study or Joint Land Use Study
prepared for a military installation and may be accessed on the
Internet website of the military installation and of the county and
any municipality in which the military installation is located.

________________________________________
Date
Signature of Seller

The undersigned purchaser hereby acknowledges receipt of the
foregoing notice.

________________________________________
Date
Signature of Purchaser

SECTION 3. 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 4. This Act takes effect September 1, 2017.