

By: Geren

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 1. The Property has the items checked below:

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

- |    |  |  |   |
|----|--|--|---|
| 6  | <input type="checkbox"/> Range               | <input type="checkbox"/> Oven                              | <input type="checkbox"/> Microwave      |
| 7  | <input type="checkbox"/> Dishwasher          | <input type="checkbox"/> Trash Compactor                   | <input type="checkbox"/> Disposal       |
| 8  | <input type="checkbox"/> Washer/Dryer        | <input type="checkbox"/> Window                            | <input type="checkbox"/> Rain Gutters   |
| 9  | Hookups                                      | Screens  |   |
| 10 | <input type="checkbox"/> Security            | <input type="checkbox"/> Fire Detection                    | <input type="checkbox"/> Intercom       |
| 11 | System                                       | Equipment  | System                                  |
| 12 |  | <input type="checkbox"/> Smoke Detector                    |   |
| 13 |  | <input type="checkbox"/> Smoke Detector -                  |   |
| 14 |  | Hearing Impaired   |   |
| 15 |  | <input type="checkbox"/> Carbon Monoxide                   |   |
| 16 |  | Alarm  |   |
| 17 |  | <input type="checkbox"/> Emergency Escape                  |   |
| 18 |  | Ladder(s)  |   |
| 19 | <input type="checkbox"/> TV Antenna          | <input type="checkbox"/> Cable TV                          | <input type="checkbox"/> Satellite      |
| 20 |  | Wiring   | Dish                                    |
| 21 | <input type="checkbox"/> Ceiling Fan(s)      | <input type="checkbox"/> Attic Fan(s)                      | <input type="checkbox"/> Exhaust        |
| 22 |  |  | Fan(s)                                  |
| 23 | <input type="checkbox"/> Central A/C         | <input type="checkbox"/> Central Heating                   | <input type="checkbox"/> Wall/Window    |
| 24 |  |  | Air                                     |
| 25 |  |  | Conditioning                            |
| 26 | <input type="checkbox"/> Plumbing System     | <input type="checkbox"/> Septic System                     | <input type="checkbox"/> Public Sewer   |
| 27 |  |  | System                                  |
| 28 | <input type="checkbox"/> Patio/Decking       | <input type="checkbox"/> Outdoor Grill                     | <input type="checkbox"/> Fences         |
| 29 | <input type="checkbox"/> Pool                | <input type="checkbox"/> Sauna                             | <input type="checkbox"/> Spa            |
| 30 |  |  | <input type="checkbox"/> Hot Tub        |
| 31 | <input type="checkbox"/> Pool Equipment      | <input type="checkbox"/> Pool Heater                       | <input type="checkbox"/> Automatic Lawn |
| 32 |  |  | Sprinkler                               |
| 33 |  |  | System                                  |
| 34 | <input type="checkbox"/> Fireplace(s) &      |  | <input type="checkbox"/> Fireplace(s) & |
| 35 | Chimney                                      |  | Chimney                                 |
| 36 | (Woodburning)                                |  | (Mock)                                  |
| 37 | <input type="checkbox"/> Natural Gas Lines   |  | <input type="checkbox"/> Gas Fixtures   |
| 38 | <input type="checkbox"/> Liquid Propane Gas: | <input type="checkbox"/> LP Community                      | <input type="checkbox"/> LP on Property |
| 39 |  | (Captive)  |   |
| 40 | Garage: <input type="checkbox"/> Attached    | <input type="checkbox"/> Not Attached                      | <input type="checkbox"/> Carport        |
| 41 | Garage Door Opener(s):                       | <input type="checkbox"/> Electronic                        | <input type="checkbox"/> Control(s)     |
| 42 | Water Heater:                                | <input type="checkbox"/> Gas                               | <input type="checkbox"/> Electric       |
| 43 | Water Supply: <input type="checkbox"/> City  | <input type="checkbox"/> Well <input type="checkbox"/> MUD | <input type="checkbox"/> Co-op          |
| 44 | Roof Type: _____                             |  | Age: _____ (approx)                     |

45 Are you (Seller) aware of any of the above items that are not in  
 46 working condition, that have known defects, or that are in need of

1 repair?  Yes  No  Unknown.

2 If yes, then describe. (Attach additional sheets if necessary):

3 \_\_\_\_\_

4 \_\_\_\_\_

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

8 If the answer to the question above is no or unknown,  
9 explain. (Attach additional sheets if necessary):\_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

12 \*Chapter 766 of the Health and Safety Code requires  
13 one-family or two-family dwellings to have working smoke detectors  
14 installed in accordance with the requirements of the building code  
15 in effect in the area in which the dwelling is located, including  
16 performance, location, and power source requirements. If you do  
17 not know the building code requirements in effect in your area, you  
18 may check unknown above or contact your local building official for  
19 more information. A buyer may require a seller to install smoke  
20 detectors for the hearing impaired if: (1) the buyer or a member of  
21 the buyer's family who will reside in the dwelling is hearing  
22 impaired; (2) the buyer gives the seller written evidence of the  
23 hearing impairment from a licensed physician; and (3) within 10  
24 days after the effective date, the buyer makes a written request for  
25 the seller to install smoke detectors for the hearing impaired and  
26 specifies the locations for installation. The parties may agree  
27 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  
3 of the following?

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

- |    |   |   |   |
|----|---|---|---|
| 5  | <input type="checkbox"/> Interior Walls                 | <input type="checkbox"/> Ceilings                 | <input type="checkbox"/> Floors               |
| 6  | <input type="checkbox"/> Exterior Walls                 | <input type="checkbox"/> Doors                    | <input type="checkbox"/> Windows              |
| 7  | <input type="checkbox"/> Roof                           | <input type="checkbox"/> Foundation/<br>8 Slab(s) | <input type="checkbox"/> Basement             |
| 9  | <input type="checkbox"/> Walls/Fences                   | <input type="checkbox"/> Driveways                | <input type="checkbox"/> Sidewalks            |
| 10 | <input type="checkbox"/> Plumbing/Sewers/<br>11 Septics | <input type="checkbox"/> Electrical<br>Systems    | <input type="checkbox"/> Lighting<br>Fixtures |

12  Other Structural Components (Describe): \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

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

17 \_\_\_\_\_

18 \_\_\_\_\_

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

1 Tub/Spa\*

Methamphetamine

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

4 \_\_\_\_\_  
5 \_\_\_\_\_

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

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

12 \_\_\_\_\_

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

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

15 \_\_\_ Room additions, structural modifications, or other  
16 alterations or repairs made without necessary permits or not  
17 in compliance with building codes in effect at that time.

18 \_\_\_ Homeowners' Association or maintenance fees or assessments.

19 \_\_\_ Any "common area" (facilities such as pools, tennis courts,  
20 walkways, or other areas) co-owned in undivided interest with  
21 others.

22 \_\_\_ Any notices of violations of deed restrictions or  
23 governmental ordinances affecting the condition or use of the  
24 Property.

25 \_\_\_ Any lawsuits directly or indirectly affecting the Property.

26 \_\_\_ Any condition on the Property which materially affects the  
27 physical health or safety of an individual.

28 \_\_\_ Any rainwater harvesting system located on the property that  
29 is larger than 500 gallons and that uses a public water supply  
30 as an auxiliary water source.

31 \_\_\_ Any portion of the property that is located in a groundwater  
32 conservation district or a subsidence district.

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

35 \_\_\_\_\_  
36 \_\_\_\_\_

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

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

18 \_\_\_\_\_  
19 Date Signature of Seller

20 The undersigned purchaser hereby acknowledges receipt of the  
21 foregoing notice.

22 \_\_\_\_\_  
23 Date Signature of Purchaser

24 SECTION 3. Section 5.008(b), Property Code, as amended by  
25 this Act, applies only to a transfer of property that occurs on or  
26 after the effective date of this Act. A transfer of property that  
27 occurs before the effective date of this Act is governed by the law  
28 applicable to the transfer immediately before that date, and the

1 former law is continued in effect for that purpose. For the  
2 purposes of this section, a transfer of property occurs before the  
3 effective date of this Act if the contract binding the purchaser to  
4 purchase the property is executed before that date.

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