

1-1 By: Geren, et al. (Senate Sponsor - Estes) H.B. No. 890
 1-2 (In the Senate - Received from the House April 10, 2017;
 1-3 April 19, 2017, read first time and referred to Committee on
 1-4 Business & Commerce; May 3, 2017, reported favorably by the
 1-5 following vote: Yeas 8, Nays 0; May 3, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to providing information to the public and to purchasers
 1-20 of real property regarding the impact of military installations.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 397, Local Government Code, is amended
 1-23 by adding Section 397.007 to read as follows:

1-24 Sec. 397.007. PUBLIC INFORMATION REGARDING IMPACT OF
 1-25 MILITARY INSTALLATIONS. A county and any municipality in which is
 1-26 located a military installation shall work closely with the
 1-27 military installation as necessary to ensure that the most recent
 1-28 Air Installation Compatible Use Zone Study or Joint Land Use Study
 1-29 applicable to each military installation or a link to that
 1-30 information is publicly available on the local governmental
 1-31 entity's Internet website.

1-32 SECTION 2. Section 5.008(b), Property Code, is amended to
 1-33 read as follows:

1-34 (b) The notice must be executed and must, at a minimum, read
 1-35 substantially similar to the following:

1-36 SELLER'S DISCLOSURE NOTICE

1-37 CONCERNING THE PROPERTY AT _____

1-38 (Street Address and City)

1-39 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF
 1-40 THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY
 1-41 SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR
 1-42 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT
 1-43 A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.

1-44 Seller ___ is ___ is not occupying the Property.

1-45 If unoccupied, how long since Seller has occupied the Property?

1-46 _____

1-47 1. The Property has the items checked below:

1-48 Write Yes (Y), No (N), or Unknown (U).

- | | | | |
|------|------------------|----------------------|------------------|
| 1-49 | ___ Range | ___ Oven | ___ Microwave |
| 1-50 | ___ Dishwasher | ___ Trash Compactor | ___ Disposal |
| 1-51 | ___ Washer/Dryer | ___ Window | ___ Rain Gutters |
| 1-52 | ___ Hookups | ___ Screens | |
| 1-53 | ___ Security | ___ Fire Detection | ___ Intercom |
| 1-54 | ___ System | ___ Equipment | ___ System |
| 1-55 | | ___ Smoke Detector | |
| 1-56 | | ___ Smoke Detector - | |
| 1-57 | | ___ Hearing Impaired | |
| 1-58 | | ___ Carbon Monoxide | |
| 1-59 | | ___ Alarm | |

- 2-1 ___ Emergency Escape
- 2-2 ___ Ladder(s)
- 2-3 ___ TV Antenna ___ Cable TV ___ Satellite
- 2-4 ___ Wiring ___ Dish
- 2-5 ___ Ceiling Fan(s) ___ Attic Fan(s) ___ Exhaust
- 2-6 ___ Fan(s)
- 2-7 ___ Central A/C ___ Central Heating ___ Wall/Window
- 2-8 ___ Air
- 2-9 ___ Conditioning
- 2-10 ___ Plumbing System ___ Septic System ___ Public Sewer
- 2-11 ___ System
- 2-12 ___ Patio/Decking ___ Outdoor Grill ___ Fences
- 2-13 ___ Pool ___ Sauna ___ Spa
- 2-14 ___ Hot Tub
- 2-15 ___ Pool Equipment ___ Pool Heater ___ Automatic Lawn
- 2-16 ___ Sprinkler
- 2-17 ___ System
- 2-18 ___ Fireplace(s) & ___ Fireplace(s) &
- 2-19 Chimney Chimney
- 2-20 (Woodburning) (Mock)
- 2-21 ___ Natural Gas Lines ___ Gas Fixtures
- 2-22 ___ Liquid Propane Gas: ___ LP Community ___ LP on Property
- 2-23 (LP Captive)
- 2-24 Garage: ___ Attached ___ Not Attached ___ Carport
- 2-25 Garage Door Opener(s): ___ Electronic ___ Control(s)
- 2-26 Water Heater: ___ Gas ___ Electric
- 2-27 Water Supply: ___ City ___ Well ___ MUD ___ Co-op
- 2-28 Roof Type: _____ Age: _____(approx)
- 2-29 Are you (Seller) aware of any of the above items that are not in
- 2-30 working condition, that have known defects, or that are in need of
- 2-31 repair? ___ Yes ___ No ___ Unknown.
- 2-32 If yes, then describe. (Attach additional sheets if necessary):
- 2-33 _____
- 2-34 _____
- 2-35 2. Does the property have working smoke detectors installed in
- 2-36 accordance with the smoke detector requirements of Chapter 766,
- 2-37 Health and Safety Code?* ___ Yes ___ No ___ Unknown.
- 2-38 If the answer to the question above is no or unknown,
- 2-39 explain. (Attach additional sheets if necessary):_____
- 2-40 _____
- 2-41 _____
- 2-42 *Chapter 766 of the Health and Safety Code requires
- 2-43 one-family or two-family dwellings to have working smoke detectors
- 2-44 installed in accordance with the requirements of the building code
- 2-45 in effect in the area in which the dwelling is located, including
- 2-46 performance, location, and power source requirements. If you do
- 2-47 not know the building code requirements in effect in your area, you
- 2-48 may check unknown above or contact your local building official for
- 2-49 more information. A buyer may require a seller to install smoke
- 2-50 detectors for the hearing impaired if: (1) the buyer or a member of
- 2-51 the buyer's family who will reside in the dwelling is hearing
- 2-52 impaired; (2) the buyer gives the seller written evidence of the
- 2-53 hearing impairment from a licensed physician; and (3) within 10
- 2-54 days after the effective date, the buyer makes a written request for
- 2-55 the seller to install smoke detectors for the hearing impaired and
- 2-56 specifies the locations for installation. The parties may agree
- 2-57 who will bear the cost of installing the smoke detectors and which
- 2-58 brand of smoke detectors to install.
- 2-59 3. Are you (Seller) aware of any known defects/malfunctions in any
- 2-60 of the following?
- 2-61 Write Yes (Y) if you are aware, write No (N) if you are not aware.
- 2-62 ___ Interior Walls ___ Ceilings ___ Floors
- 2-63 ___ Exterior Walls ___ Doors ___ Windows
- 2-64 ___ Roof ___ Foundation/ ___ Basement
- 2-65 Slab(s)
- 2-66 ___ Walls/Fences ___ Driveways ___ Sidewalks
- 2-67 ___ Plumbing/Sewers/ ___ Electrical ___ Lighting
- 2-68 Septics Systems Fixtures

- 3-1 Other Structural Components (Describe): _____
 3-2 _____
 3-3 _____
 3-4 If the answer to any of the above is yes, explain. (Attach
 3-5 additional sheets if necessary): _____
 3-6 _____
 3-7 _____
 3-8 4. Are you (Seller) aware of any of the following conditions?
 3-9 Write Yes (Y) if you are aware, write No (N) if you are not aware.
- | | |
|--|---|
| 3-10 <input type="checkbox"/> Active Termites | <input type="checkbox"/> Previous Structural |
| 3-11 (includes | or Roof Repair |
| 3-12 wood-destroying insects) | |
| 3-13 <input type="checkbox"/> Termite or Wood Rot Damage | <input type="checkbox"/> Hazardous or Toxic Waste |
| 3-14 <input type="checkbox"/> Needing Repair | |
| 3-15 <input type="checkbox"/> Previous Termite Damage | <input type="checkbox"/> Asbestos Components |
| 3-16 <input type="checkbox"/> Previous Termite | <input type="checkbox"/> Urea formaldehyde |
| 3-17 <input type="checkbox"/> Treatment | <input type="checkbox"/> Insulation |
| 3-18 <input type="checkbox"/> Previous Flooding | <input type="checkbox"/> Radon Gas |
| 3-19 <input type="checkbox"/> Improper Drainage | <input type="checkbox"/> Lead Based Paint |
| 3-20 <input type="checkbox"/> Water Penetration | <input type="checkbox"/> Aluminum Wiring |
| 3-21 <input type="checkbox"/> Located in 100-Year | <input type="checkbox"/> Previous Fires |
| 3-22 <input type="checkbox"/> Floodplain | |
| 3-23 <input type="checkbox"/> Present Flood Insurance | <input type="checkbox"/> Unplatted Easements |
| 3-24 <input type="checkbox"/> Coverage | |
| 3-25 <input type="checkbox"/> Landfill, Settling, Soil | <input type="checkbox"/> Subsurface |
| 3-26 <input type="checkbox"/> Movement, Fault Lines | <input type="checkbox"/> Structure or Pits |
| 3-27 <input type="checkbox"/> Single Blockable Main | <input type="checkbox"/> Previous Use of Premises |
| 3-28 <input type="checkbox"/> Drain in Pool/Hot | for Manufacture of |
| 3-29 <input type="checkbox"/> Tub/Spa* | Methamphetamine |
- 3-30 If the answer to any of the above is yes, explain. (Attach
 3-31 additional sheets if necessary): _____
 3-32 _____
 3-33 _____
 3-34 *A single blockable main drain may cause a suction entrapment
 3-35 hazard for an individual.
- 3-36 5. Are you (Seller) aware of any item, equipment, or system in or
 3-37 on the property that is in need of repair? Yes (if you are
 3-38 aware) No (if you are not aware). If yes, explain (attach
 3-39 additional sheets as necessary).
 3-40 _____
- 3-41 6. Are you (Seller) aware of any of the following?
 3-42 Write Yes (Y) if you are aware, write No (N) if you are not aware.
- | |
|--|
| 3-43 <input type="checkbox"/> Room additions, structural modifications, or other |
| 3-44 alterations or repairs made without necessary permits or not |
| 3-45 in compliance with building codes in effect at that time. |
| 3-46 <input type="checkbox"/> Homeowners' Association or maintenance fees or assessments. |
| 3-47 <input type="checkbox"/> Any "common area" (facilities such as pools, tennis courts, |
| 3-48 walkways, or other areas) co-owned in undivided interest with |
| 3-49 others. |
| 3-50 <input type="checkbox"/> Any notices of violations of deed restrictions or |
| 3-51 governmental ordinances affecting the condition or use of the |
| 3-52 Property. |
| 3-53 <input type="checkbox"/> Any lawsuits directly or indirectly affecting the Property. |
| 3-54 <input type="checkbox"/> Any condition on the Property which materially affects the |
| 3-55 physical health or safety of an individual. |
| 3-56 <input type="checkbox"/> Any rainwater harvesting system located on the property that |
| 3-57 is larger than 500 gallons and that uses a public water supply |
| 3-58 as an auxiliary water source. |
| 3-59 <input type="checkbox"/> Any portion of the property that is located in a groundwater |
| 3-60 conservation district or a subsidence district. |
- 3-61 If the answer to any of the above is yes, explain. (Attach
 3-62 additional sheets if necessary): _____
 3-63 _____
 3-64 _____
- 3-65 7. If the property is located in a coastal area that is seaward of
 3-66 the Gulf Intracoastal Waterway or within 1,000 feet of the mean high
 3-67 tide bordering the Gulf of Mexico, the property may be subject to

4-1 the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63,
4-2 Natural Resources Code, respectively) and a beachfront
4-3 construction certificate or dune protection permit may be required
4-4 for repairs or improvements. Contact the local government with
4-5 ordinance authority over construction adjacent to public beaches
4-6 for more information.

4-7 8. This property may be located near a military installation and
4-8 may be affected by high noise or air installation compatible use
4-9 zones or other operations. Information relating to high noise and
4-10 compatible use zones is available in the most recent Air
4-11 Installation Compatible Use Zone Study or Joint Land Use Study
4-12 prepared for a military installation and may be accessed on the
4-13 Internet website of the military installation and of the county and
4-14 any municipality in which the military installation is located.

4-15 _____
4-16 Date Signature of Seller

4-17 The undersigned purchaser hereby acknowledges receipt of the
4-18 foregoing notice.

4-19 _____
4-20 Date Signature of Purchaser

4-21 SECTION 3. Section 5.008(b), Property Code, as amended by
4-22 this Act, applies only to a transfer of property that occurs on or
4-23 after the effective date of this Act. A transfer of property that
4-24 occurs before the effective date of this Act is governed by the law
4-25 applicable to the transfer immediately before that date, and the
4-26 former law is continued in effect for that purpose. For the
4-27 purposes of this section, a transfer of property occurs before the
4-28 effective date of this Act if the contract binding the purchaser to
4-29 purchase the property is executed before that date.

4-30 SECTION 4. This Act takes effect September 1, 2017.

4-31 * * * * *