

By: Estes

S.B. No. 775

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, explain.
9 (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/
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/
11 Septics | <input type="checkbox"/> Electrical
Systems | <input type="checkbox"/> Lighting
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
22 (includes
23 wood-destroying insects) | <input type="checkbox"/> Previous Structural
or Roof Repair |
| 24 | <input type="checkbox"/> Termite or Wood Rot Damage
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
28 Treatment | <input type="checkbox"/> Urea formaldehyde
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
33 Floodplain | <input type="checkbox"/> Previous Fires |
| 34 | <input type="checkbox"/> Present Flood Insurance
35 Coverage | <input type="checkbox"/> Unplatted Easements |
| 36 | <input type="checkbox"/> Landfill, Settling, Soil
37 Movement, Fault Lines | <input type="checkbox"/> Subsurface
Structure or Pits |
| 38 | <input type="checkbox"/> Single Blockable Main
39 Drain in Pool/Hot | <input type="checkbox"/> Previous Use of Premises
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.