

By: Holland

H.B. No. 591

A BILL TO BE ENTITLED

AN ACT

relating to seller's disclosures regarding fuel gas piping in residential real property.

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

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 |
| <input type="checkbox"/> Hookups | <input type="checkbox"/> Screens | |
| <input type="checkbox"/> Security System | <input type="checkbox"/> Fire Detection Equipment | <input type="checkbox"/> Intercom System |
| | <input type="checkbox"/> Smoke Detector | |
| | <input type="checkbox"/> Smoke Detector - | |
| | <input type="checkbox"/> Hearing Impaired | |
| | <input type="checkbox"/> Carbon Monoxide | |

- 1 Alarm
- 2 ___ Emergency Escape
- 3 Ladder(s)
- 4 ___ TV Antenna ___ Cable TV ___ Satellite
- 5 Wiring ___ Dish
- 6 ___ Ceiling Fan(s) ___ Attic Fan(s) ___ Exhaust
- 7 Fan(s)
- 8 ___ Central A/C ___ Central Heating ___ Wall/Window
- 9 Air
- 10 Conditioning
- 11 ___ Plumbing System ___ Septic System ___ Public Sewer
- 12 System
- 13 ___ Patio/Decking ___ Outdoor Grill ___ Fences
- 14 ___ Pool ___ Sauna ___ Spa
- 15 ___ Hot Tub
- 16 ___ Pool Equipment ___ Pool Heater ___ Automatic Lawn
- 17 Sprinkler
- 18 System
- 19 ___ Fireplace(s) & ___ Fireplace(s) &
- 20 Chimney Chimney
- 21 (Woodburning) (Mock)
- 22 ___ Natural Gas Lines ___ Gas Fixtures
- 23 ___ Liquid Propane Gas: ___ LP Community ___ LP on Property
- 24 (Captive)
- 25 ___ Fuel Gas Piping: ___ Black Iron Pipe ___ Yellow or ___ Black
- 26 Corrugated
- 27 Stainless Steel
- 28 Tubing*
- 29 Garage: ___ Attached ___ Not Attached ___ Carport
- 30 Garage Door Opener(s): ___ Electronic ___ Control(s)
- 31 Water Heater: ___ Gas ___ Electric
- 32 Water Supply: ___ City ___ Well ___ MUD ___ Co-op
- 33 Roof Type: _____ Age: _____(approx)

34 Are you (Seller) aware of any of the above items that are not in
 35 working condition, that have known defects, or that are in need of
 36 repair? ___ Yes ___ No ___ Unknown.

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

38 _____
 39 _____

40 *Corrugated stainless steel tubing may be damaged by
 41 lightning, electrical arcing, or punctures, which may result in a
 42 release of fuel gas.

43 2. Does the property have working smoke detectors installed in

1 accordance with the smoke detector requirements of Chapter 766,
2 Health and Safety Code?* Yes No Unknown.

3 If the answer to the question above is no or unknown,
4 explain. (Attach additional sheets if necessary):_____

5 _____
6 _____

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

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

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

27 Interior Walls Ceilings Floors

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

3 5. Are you (Seller) aware of any item, equipment, or system in or
4 on the property that is in need of repair? Yes (if you are
5 aware) No (if you are not aware). If yes, explain (attach
6 additional sheets as necessary).
7 _____

8 6. Are you (Seller) aware of any of the following?
9 Write Yes (Y) if you are aware, write No (N) if you are not aware.

- 10 Room additions, structural modifications, or other
- 11 alterations or repairs made without necessary permits or not
- 12 in compliance with building codes in effect at that time.
- 13 Homeowners' Association or maintenance fees or assessments.
- 14 Any "common area" (facilities such as pools, tennis courts,
- 15 walkways, or other areas) co-owned in undivided interest with
- 16 others.
- 17 Any notices of violations of deed restrictions or
- 18 governmental ordinances affecting the condition or use of the
- 19 Property.
- 20 Any lawsuits directly or indirectly affecting the Property.
- 21 Any condition on the Property which materially affects the
- 22 physical health or safety of an individual.
- 23 Any rainwater harvesting system located on the property that
- 24 is larger than 500 gallons and that uses a public water supply
- 25 as an auxiliary water source.
- 26 Any portion of the property that is located in a groundwater
- 27 conservation district or a subsidence district.

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

32 7. If the property is located in a coastal area that is seaward of
33 the Gulf Intracoastal Waterway or within 1,000 feet of the mean high
34 tide bordering the Gulf of Mexico, the property may be subject to
35 the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63,

1 Natural Resources Code, respectively) and a beachfront
2 construction certificate or dune protection permit may be required
3 for repairs or improvements. Contact the local government with
4 ordinance authority over construction adjacent to public beaches
5 for more information.

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

14 _____
15 Date Signature of Seller

16 The undersigned purchaser hereby acknowledges receipt of the
17 foregoing notice.

18 _____
19 Date Signature of Purchaser

20 SECTION 2. Section 5.008(b), Property Code, as amended by
21 this Act, applies only to a transfer of property that occurs on or
22 after the effective date of this Act. A transfer of property that
23 occurs before the effective date of this Act is governed by the law
24 applicable to the transfer immediately before that date, and the
25 former law is continued in effect for that purpose. For the
26 purposes of this section, a transfer of property occurs before the
27 effective date of this Act if the contract binding the purchaser to
28 purchase the property is executed before that date.

1 SECTION 3. This Act takes effect September 1, 2019.