

BILL ANALYSIS

C.S.H.B. 1719
By: Reynolds
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Homes have recently been built in Fort Bend County within 100 feet of the Brazos River where visible erosion has caused homes to fall into the river, yet developers continue to plat new housing developments near the eroding river in the county. The U.S. Army Corp of Engineers Brazos River Flood Risk Management Study recommends a 500 foot meander corridor for future development. Purchasers of property may not be aware of how highly erodible the bank is around the Brazos River or that they could lose their home in the future to an eroding river bank on their property. C.S.H.B. 1719 seeks to address this issue by requiring a seller of certain real property to notify a buyer that the property could potentially experience erosion.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1719 amends the Property Code to require a seller of real property in certain counties that is used or intended to be used for residential or commercial purposes and that is wholly or partly located within 500 feet of a river or an impoundment of water authorized under Water Code provisions relating to water rights to give to the purchaser of the property a written notice of the property being subject to potential erosion. The bill sets out the contents and form of the notice and requires the seller to deliver the notice to the purchaser before the effective date of an executory contract binding the purchaser to purchase the property.

C.S.H.B. 1719 authorizes the purchaser to terminate an executory contract by a certain date for any reason if the contract is entered into without the seller providing the notice. The bill authorizes the purchaser to bring an action for misrepresentation against the seller after the date of the conveyance if the seller failed to provide the notice before the date of the conveyance and had actual knowledge that all or a portion of the property was located wholly or partly within 500 feet of a river or an authorized impoundment of water and is subject to potential erosion caused by the river or impoundment.

C.S.H.B. 1719 applies only to real property located in a county that has a population of 585,000 or more and is adjacent to a county with a population of four million or more.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1719 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the original set out provisions relating to zoning in the unincorporated areas in Fort Bend County near the Brazos River, the substitute does not include any provisions from the original and sets out provisions instead relating to a potential erosion notice to purchasers of real property in a commercial or residential development in the county.