A BILL TO BE ENTITLED 1 AN ACT 2 relating to certain seller's disclosures for the sale of 3 residential real property. 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: 5 SECTION 1. Section 5.008(b), Property Code, is amended to read as follows: 6 7 (b) The notice must be executed and must, at a minimum, read 8 substantially similar to the following: 9 SELLER'S DISCLOSURE NOTICE CONCERNING THE PROPERTY AT \_ 10 (Street Address and City) 11 12 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF 13 THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY 14 SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR 15 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS. 16 17 Seller \_\_ is \_\_ is not occupying the Property. If unoccupied, how long since Seller has occupied the Property? 18 19 20 The Property has the items checked below: 21 Write Yes (Y), No (N), or Unknown (U). 22 \_\_ Range \_\_ Dishwasher \_\_ Oven 23 \_\_\_ Microwave \_\_ Disposal \_\_ Trash Compactor 24 \_\_ Window 25 \_Washer/Dryer \_\_\_ Rain Gutters 26 Hookups Screens \_\_ Intercom 27 \_\_ Fire Detection Security 28 System Equipment System \_ Smoke Detector 29 \_\_\_ Smoke Detector -30 Hearing Impaired 31 Carbon Monoxide 32

Holland, Cain, Patterson, Talarico,

By:

33

Lambert

H.B. No. 1993

Alarm

			H.B. No. 1993
1		Emergency Escape	
2		Ladder(s)	~
3	TV Antenna	Cable TV	Satellite
4	Coiling For(a)	Wiring	Dish
5 6	Ceiling Fan(s)	Attic Fan(s)	Exhaust Fan(s)
7	Central A/C	Central Heating	Wall/Window
8	ceneral n/ e	central nearing	Air
9			Conditioning
10	Plumbing System	Septic System	Public Sewer
11			System
12	Patio/Decking	Outdoor Grill	Fences
13	Pool	Sauna	Spa
14			Hot Tub
15	Pool Equipment	Pool Heater	Automatic Lawn
16			Sprinkler
17 18	Firenlage (a) C		System
10 19	<pre> Fireplace(s) &amp;    Chimney</pre>		Fireplace(s) & Chimney
20	(Woodburning)		(Mock)
21	Natural Gas Lines		Gas Fixtures
22	Liquid Propane Gas:	LP Community	LP on Property
23		(Captive)	
24	Fuel Gas Piping:	Black Iron Pipe	Corrugated
25		Copper	Stainless Steel
26			Tubing
27	Garage: Attached	Not Attached	Carport
28	<pre>Garage Door Opener(s): Water Heater:</pre>	Electronic	Control(s)
29 30	Water neater: Water Supply: City	Gas Well MUD	Electric Co-op
50	water suppry erry	WCII HOD	со ор
31	Roof Type:		Age:(approx)
			2
32	Are you (Seller) aware o	of any of the above i	Items that are not in
33	working condition, that	have known defects, o	or that are in need of
		-	
34	repair? Yes No	Unknown.	
35	If yes, then describe.	Attach additional she	eets if necessary):
	1.1.,		<b>1</b> ,
36			
37			
		, ,	
38	2. Does the property h	ave working smoke de	tectors installed in
39	accordance with the smo	ke detector requirem	ents of Chapter 766,
40	Health and Safety Code?*	Yes No Un	known.

Τ	If the answer to the question above is no or unknown,		
2	explain. (Attach additional sheets if necessary):		
3			
4			
5	*Chapter 766 of the Health and Safety Code requires		
6	one-family or two-family dwellings to have working smoke detectors		
7	installed in accordance with the requirements of the building code		
8	in effect in the area in which the dwelling is located, including		
9	performance, location, and power source requirements. If you do		
10	not know the building code requirements in effect in your area, you		
11	may check unknown above or contact your local building official for		
12	more information. A buyer may require a seller to install smoke		
13	detectors for the hearing impaired if: (1) the buyer or a member of		
14	the buyer's family who will reside in the dwelling is hearing		
15	impaired; (2) the buyer gives the seller written evidence of the		
16	hearing impairment from a licensed physician; and (3) within 10		
17	days after the effective date, the buyer makes a written request for		
18	the seller to install smoke detectors for the hearing impaired and		
19	specifies the locations for installation. The parties may agree		
20	who will bear the cost of installing the smoke detectors and which		
21	brand of smoke detectors to install.		
22	3. Are you (Seller) aware of any known defects/malfunctions in any		
23	of the following?		
24 25 26 27 28 29	Write Yes (Y) if you are aware, write No (N) if you are not aware.		
	Interior Walls Ceilings Floors Windows Roof Foundation/ Basement Slab(s) Walls/Fences Driveways Sidewalks		
30	Walls/Fences    Driveways    Sidewalks		

Other Structural Components (Describe):  Other Structural Components (Describe):  If the answer to any of the above is yes, explain. (Attaditional sheets if necessary):  Other Structural Components (Describe):  If the answer to any of the above is yes, explain. (Attaditional sheets if necessary):  Other Structural (Attaditional sheets if necessary):  Other Structural of Attaditions (Attaditional sheets if necessary):  Other Structural of Attaditions (Attaditional sheets if necessary):  Other Structural Components (Attaditional sheets) (Attaditional sheets if necessary):  Other Structural Components (Attaditional sheets) (Attaditional sheets if necessary):  Other Structural Components (Attaditional sheets) (Attaditional sheets if necessary):  Other Structural Components (Attaditional sheets) (Attaditional sheets if necessary):  Other Structural Components (Attaditional sheets) (Attaditional
If the answer to any of the above is yes, explain. (Att additional sheets if necessary):  4. Are you (Seller) aware of any of the following conditions?  Write Yes (Y) if you are aware, write No (N) if you are not aware.  Active Termites (includes wood-destroying insects) Termite or Wood Rot Damage Needing Repair Previous Termite Damage Previous Termite Treatment T
10 4. Are you (Seller) aware of any of the following conditions?  Write Yes (Y) if you are aware, write No (N) if you are not aware.  Active Termites (includes wood-destroying insects) Termite or Wood Rot Damage Needing Repair Previous Termite Damage Previous Termite Treatment Treatment Treatment Treatment Tinsulation Radon Gas Lead Based Paint Thood Event Tervious Fires  Unplatted Easements  Lunplatted Easements
additional sheets if necessary):  4. Are you (Seller) aware of any of the following conditions?  Write Yes (Y) if you are aware, write No (N) if you are not aware.  Active Termites (includes wood-destroying insects) Termite or Wood Rot Damage Needing Repair Previous Termite Damage Previous Termite Treatment  Improper Drainage Water Damage Not Due to a Flood Event  Previous Fires  Unplatted Easements
4. Are you (Seller) aware of any of the following conditions?  Write Yes (Y) if you are aware, write No (N) if you are not aware.  Active Termites (includes wood-destroying insects) Termite or Wood Rot Damage Needing Repair Previous Termite Damage Previous Termite Urea formaldehyde Treatment Treatment Timproper Drainage Timproper Drainage Water Damage Not Due to a Flood Event  Unplatted Easements  Unplatted Easements
4. Are you (Seller) aware of any of the following conditions?  Write Yes (Y) if you are aware, write No (N) if you are not aware.  Active Termites Previous Structural or Roof Repair wood-destroying insects) Termite or Wood Rot Damage Hazardous or Toxic Waster Needing Repair Previous Termite Damage Asbestos Components Urea formaldehyde Treatment Urea formaldehyde Insulation Radon Gas Lead Based Paint Aluminum Wiring Previous Fires Unplatted Easements Unplatted Easements
4. Are you (Seller) aware of any of the following conditions?  Write Yes (Y) if you are aware, write No (N) if you are not aware.  Active Termites Previous Structural or Roof Repair wood-destroying insects)  Termite or Wood Rot Damage Hazardous or Toxic Waster Needing Repair Asbestos Components Previous Termite Damage Asbestos Components Urea formaldehyde Treatment Urea formaldehyde Insulation Radon Gas Lead Based Paint Aluminum Wiring Previous Fires Unplatted Easements Unplatted Easements
Write Yes (Y) if you are aware, write No (N) if you are not aware.  Active Termites
Active Termites
Active Termites(includes
Termite or Wood Rot Damage Needing Repair  Previous Termite Damage Treatment  Improper Drainage Water Damage Not Due to a Flood Event  — Hazardous or Toxic Waster — Asbestos Components — Urea formaldehyde Insulation — Radon Gas — Lead Based Paint — Aluminum Wiring — Previous Fires — Unplatted Easements
Improper Drainage Lead Based Paint Aluminum Wiring Previous Fires Unplatted Easements
Previous Fires  26 27 29 20 20 21 21 22 22 23 24 25 26 27 26 27 27 20 20 21 21 22 22 23 24 25 26 27 27 28 29 20 20 21 21 21 22 22 23 24 25 26 27 27 28 28 28 28 28 28 28 28 28 28 28 28 28
Unplatted Easements
28 29Landfill, Settling, SoilSubsurface 30 Movement, Fault Lines
34 If the answer to any of the above is yes, explain. (Att
additional sheets if necessary):
36 
37*A single blockable main drain may cause a suction entrapm

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1
    hazard for an individual.
         Are you (Seller) aware of any item, equipment, or system in or
 2
    on the property that is in need of repair? ___ Yes (if you are
              __ No (if you are not aware). If yes, explain (attach
 4
 5
    additional
                              sheets
                                                                    necessary).
                                                    as
 6
         Are you (Seller) aware of any of the following conditions?
 7
 8
        Write Yes (Y) if you are aware, write No (N) if you are not aware.
9
         Present flood insurance coverage
10
         Previous flooding due to a failure or breach of a reservoir or a
    controlled or emergency release of water from a reservoir
11
12
         Previous water penetration into a structure on the property due
    to a natural flood event
13
14
    Write Yes (Y) if you are aware and check wholly or partly as
15
    applicable, write No (N) if you are not aware.
       Located ( ) wholly
                             ( ) partly in a 100-year floodplain (Special
16
    Flood Hazard Area-Zone A, V, A99, AE, AO, AH, VE, or AR)

Located () wholly () partly in a 500-year floodplain (Moderate Flood Hazard Area-Zone X (shaded))

Located () wholly () partly in a floodway

Located () wholly () partly in a flood pool
17
18
19
                              () partly in a floodway
() partly in a flood pool
20
21
     __ Located ( ) wholly
                              ( ) partly in a reservoir
22
23
    If the answer to any of the above is yes, explain (attach additional
24
    sheets as necessary): _
25
26
            * For purposes of this notice:
            "100-year floodplain" means any area of land that:
27
                        is identified on the flood insurance rate map as a
28
    special flood hazard area, which is designated as Zone A, V, A99,
29
30
    AE, AO, AH, VE, or AR on the map;
31
                  (B) has a one percent annual chance of flooding, which
    is considered to be a high risk of flooding; and
32
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- 1 (C) may include a regulatory floodway, flood pool, or
- 2 reservoir.
- 3 "500-year floodplain" means any area of land that:
- 4 (A) is identified on the flood insurance rate map as a
- 5 moderate flood hazard area, which is designated on the map as Zone X
- 6 (shaded); and
- 7 (B) has a two-tenths of one percent annual chance of
- 8 flooding, which is considered to be a moderate risk of flooding.
- 9 "Flood pool" means the area adjacent to a reservoir that lies
- 10 above the normal maximum operating level of the reservoir and that
- 11 is subject to controlled inundation under the management of the
- 12 United States Army Corps of Engineers.
- "Flood insurance rate map" means the most recent flood hazard
- 14 map published by the Federal Emergency Management Agency under the
- 15 National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et
- 16 seq.).
- "Floodway" means an area that is identified on the flood
- 18 insurance rate map as a regulatory floodway, which includes the
- 19 channel of a river or other watercourse and the adjacent land areas
- 20 that must be reserved for the discharge of a base flood, also
- 21 referred to as a 100-year flood, without cumulatively increasing
- 22 the water surface elevation more than a designated height.
- "Reservoir" means a water impoundment project operated by the
- 24 United States Army Corps of Engineers that is intended to retain
- 25 water or delay the runoff of water in a designated surface area of
- 26 land.
- 27 7. Have you (Seller) ever filed a claim for flood damage to the

1	property with any insurance provider, including the National Flood			
2	Insurance Program (NFIP)?* Yes No. If yes, explain (attach			
3	additional sheets as necessary):			
4				
5	*Homes in high risk flood zones with mortgages from federally			
6	regulated or insured lenders are required to have flood			
7	insurance. Even when not required, the Federal Emergency			
8	Management Agency (FEMA) encourages homeowners in high risk,			
9	moderate risk, and low risk flood zones to purchase flood insurance			
10	that covers the structure(s) and the personal property within the			
11	structure(s).			
12	8. Have you (Seller) ever received assistance from FEMA or the			
13	U.S. Small Business Administration (SBA) for flood damage to the			
14	property? Yes No. If yes, explain (attach additional sheets			
15	as necessary):			
16				
17	9. Are you (Seller) aware of any of the following?			
18 19	Write Yes (Y) if you are aware, write No (N) if you are not aware.			
20 21 22 23 24 25 26 27 28 29 31 32 33 34	<pre>Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building codes in effect at that time. Homeowners' Association or maintenance fees or assessments. Any "common area" (facilities such as pools, tennis courts, walkways, or other areas) co-owned in undivided interest with others. Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property. Any lawsuits directly or indirectly affecting the Property. Any condition on the Property which materially affects the physical health or safety of an individual. Any rainwater harvesting system located on the property that</pre>			
35	is larger than 500 gallons and that uses a public water supply as an auxiliary water source.			

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         Any portion of the property that is located in a groundwater conservation district or a subsidence district.
    If the answer to any of the above is yes, explain.
 3
 4
    additional sheets if necessary): __
 5
 6
 7
    10. If the property is located in a coastal area that is seaward of
    the Gulf Intracoastal Waterway or within 1,000 feet of the mean high
 8
 9
    tide bordering the Gulf of Mexico, the property may be subject to
    the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63,
10
11
    Natural
              Resources Code,
                                  respectively)
                                                   and
                                                             beachfront
12
    construction certificate or dune protection permit may be required
13
    for repairs or improvements. Contact the local government with
    ordinance authority over construction adjacent to public beaches
14
15
    for more information.
16
         This property may be located near a military installation and
    may be affected by high noise or air installation compatible use
17
    zones or other operations.
                                Information relating to high noise and
18
    compatible use zones is available in the most recent
19
    Installation Compatible Use Zone Study or Joint Land Use Study
20
    prepared for a military installation and may be accessed on the
21
22
    Internet website of the military installation and of the county and
    any municipality in which the military installation is located.
23
24
    12. Are you (Seller) aware of the property being located within a
    special district? ____ Yes if you are aware ____ No if you are not
25
    aware. If yes, provide the following information about each
26
27
    special district in which the property is located:
          (A) the name of the district; and
2.8
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1	(B) the dollar amount of any ad valorem taxes or special		
2	assessments imposed by the district for the preceding tax year.		
3	(Attach additional sheets if necessary):		
4			
5			
6 7	Date Signature of Seller		
8	The undersigned purchaser hereby acknowledges receipt of the		
9	foregoing notice.		
10 11	Date Signature of Purchaser		
12	SECTION 2. Section 5.008(b), Property Code, as amended by		
13	this Act, applies only to a transfer of property that occurs on or		
14	after the effective date of this Act. A transfer of property that		
15	occurs before the effective date of this Act is governed by the law		
16	applicable to the transfer immediately before that date, and the		
17	former law is continued in effect for that purpose. For the		
18	purposes of this section, a transfer of property occurs before the		
19	effective date of this Act if the contract binding the purchaser to		
20	purchase the property is executed before that date.		
21	SECTION 3. This Act takes effect September 1, 2021.		