

By: Bell of Montgomery

H.B. No. 59

A BILL TO BE ENTITLED

1 AN ACT
2 relating to verification of citizenship or legal residency for
3 purposes of certain contracts for or concerning the purchase of
4 residential real property located in platted subdivisions;
5 creating a criminal offense.

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

7 SECTION 1. Chapter 5, Property Code, is amended by adding
8 Subchapter I to read as follows:

9 SUBCHAPTER I. VERIFICATION AND FILING REQUIREMENTS FOR CERTAIN
10 RESIDENTIAL REAL PROPERTY TRANSACTIONS

11 Sec. 5.301. DEFINITIONS. In this subchapter:

12 (1) "Commercial real property" means real property
13 that is held or used for the production of income, including
14 industrial real property.

15 (2) "Residential real property" means real property
16 that is improved and is designed principally for residential
17 occupancy or vacant land that may be improved for that purpose. The
18 term includes an individual unit of a condominium or cooperative.
19 The term does not include commercial real property.

20 Sec. 5.302. APPLICABILITY OF SUBCHAPTER. This subchapter
21 applies only to:

22 (1) an executory contract for conveyance of
23 residential real property located in a platted subdivision that
24 allows the purchaser to take immediate possession of the property

1 and make periodic payments toward the purchase price before the
2 deed is delivered to the purchaser; and

3 (2) a contract in which a potential seller of
4 residential real property located in a platted subdivision grants
5 an individual an option to purchase the property that includes or is
6 combined or executed concurrently with a residential lease
7 agreement.

8 Sec. 5.303. SELLER VERIFICATION OF PURCHASER'S CITIZENSHIP
9 OR LEGAL RESIDENCY REQUIRED. A seller or potential seller may not
10 enter into a contract to which this subchapter applies unless the
11 purchaser or potential purchaser presents to the seller or
12 potential seller proof of United States citizenship or legal
13 residency in the form of:

14 (1) a United States passport;

15 (2) a Certificate of United States Citizenship,
16 Certificate of Naturalization, United States Citizen
17 Identification Card, or other document denoting United States
18 citizenship issued by the federal Department of Homeland Security
19 or the United States Department of State including an
20 identification photograph;

21 (3) a combination of:

22 (A) a social security number; and

23 (B) photo identification in the form of an
24 unexpired driver's license, election identification certificate,
25 or personal identification card issued by a state; or

26 (4) a combination of:

27 (A) a passport issued by a foreign country; and

1 (B) a Permanent Resident Card, Temporary
2 Resident Card, Employment Authorization Card, or other document
3 denoting legal residency issued by the federal Department of
4 Homeland Security or the United States Department of State
5 including an identification photograph.

6 Sec. 5.304. FILING REQUIREMENTS TO SELL RESIDENTIAL REAL
7 PROPERTY. A seller or potential seller who enters into a contract
8 to which this subchapter applies shall, not later than the 30th day
9 after the date the contract is executed, file for recording with the
10 clerk of each county in which property subject to the contract is
11 located:

12 (1) an affidavit from the seller or potential seller
13 affirming that the purchaser or potential purchaser presented proof
14 to the seller or potential seller of the purchaser's or potential
15 purchaser's United States citizenship or legal residency status in
16 a form listed in Section 5.303; and

17 (2) a copy of the contract.

18 Sec. 5.305. CRIMINAL PENALTY. (a) A person commits an
19 offense if the person violates this subchapter.

20 (b) An offense under this section is a Class B misdemeanor,
21 except that if it is shown on the trial of the offense that the
22 defendant has previously been:

23 (1) finally convicted of an offense under this
24 section, the offense is a Class A misdemeanor; or

25 (2) finally convicted two or more times of an offense
26 under this section, the offense is a state jail felony.

27 SECTION 2. The changes in law made by this Act apply only to

1 a contract entered into on or after the effective date of this Act.
2 A contract entered into before the effective date of this Act is
3 governed by the law in effect immediately before the effective date
4 of this Act, and that law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect on the 91st day after the
6 last day of the legislative session.