By: Holland

H.B. No. 1256

	A BILL TO BE ENTITLED						
1	1 AN ACT						
2	2 relating to seller's disclosure notice c	concerning special					
3	3 districts in which residential real property is	located.					
4	4 BE IT ENACTED BY THE LEGISLATURE OF THE STA	ATE OF TEXAS:					
5	5 SECTION 1. Section 5.008(b), Property C	Code, is amended to					
6	6 read as follows:						
7	7 (b) The notice must be executed and must,	, at a minimum, read					
8	8 substantially similar to the following:						
9	9 SELLER'S DISCLOSURE NOTICE						
10 11		City)					
12 13 14 15 16	13THE CONDITION OF THE PROPERTY AS OF THE DA14SELLER AND IS NOT A SUBSTITUTE FOR ANY IN15WARRANTIES THE PURCHASER MAY WISH TO OBTA	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.					
17	17 Seller is is not occupying the Property.	Seller is is not occupying the Property.					
18	18 If unoccupied, how long since Seller has occupied	If unoccupied, how long since Seller has occupied the Property?					
19	19						
20	20 1. The Property has the items checked below:						
21 22 23	22	Microwave					
23 24 25 26 27 28 29 30 31 32	24DishwasherTrash Compactor25Washer/DryerWindow26HookupsScreens27SecurityFire Detection28SystemSmoke Detector29Smoke Detector30Smoke Detector -31Haring Impaired	Disposal Rain Gutters Intercom System					

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1		Alarm	
2		Emergency Escape	
3		Ladder(s)	
4 5	TV Antenna	Cable TV	Satellite Dish
6	<pre> Ceiling Fan(s)</pre>	Wiring Attic Fan(s)	Exhaust
7			Fan(s)
, 8 9	Central A/C	Central Heating	Wall/Window Air
10			Conditioning
11	Plumbing System	Septic System	Public Sewer
12			System
13	Patio/Decking	Outdoor Grill	Fences
14 15	Pool	Sauna	Spa
16	Pool Equipment	Pool Heater	Hot Tub Automatic Lawn
17		1001 incate1	Sprinkler
18			System
19	Fireplace(s) &		Fireplace(s) &
20	Chimney		Chimney
21	(Woodburning)		(Mock)
22	Natural Gas Lines		Gas Fixtures
23 24	Liquid Propane Gas:	LP Community (Captive)	LP on Property
24 25	Garage: Attached	Not Attached	Carport
26	Garage Door Opener(s):	Electronic	Control(s)
27	Water Heater:	Gas	Electric
28	Water Supply: City		Со-ор
~ ~			
29	Roof Type:	Z	Age:(approx)
30	Are you (Seller) aware o	of any of the above it	tems that are not in
31	working condition, that	have known defects, or	that are in need of
32	repair?YesNo	Unknown.	
33	If yes, then describe.	(Attach additional shee	ets if necessary):
34			
35			
36	2. Does the property h	ave working smoke det	actors installed in
50	2. Does the property h	ave working smoke det	Lectors instarred III
37	accordance with the smo	ke detector requireme	ents of Chapter 766,
38	Health and Safety Code?*	YesNoUnk	nown.

										Η.Β.	No.	1256
1	If	the	answer	to	the	question	above	is	no	or	unkı	nown,
2	exp	lain.	(Attac]	h add	ition	al sheets i	fneces	sary):	, i		

3	
4	

5 *Chapter 766 of the Health and Safety Code requires one-family or two-family dwellings to have working smoke detectors 6 installed in accordance with the requirements of the building code 7 8 in effect in the area in which the dwelling is located, including performance, location, and power source requirements. If you do 9 10 not know the building code requirements in effect in your area, you may check unknown above or contact your local building official for 11 more information. A buyer may require a seller to install smoke 12 detectors for the hearing impaired if: (1) the buyer or a member of 13 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 hearing impairment from a licensed physician; and (3) within 10 16 17 days after the effective date, the buyer makes a written request for the seller to install smoke detectors for the hearing impaired and 18 specifies the locations for installation. The parties may agree 19 who will bear the cost of installing the smoke detectors and which 20 brand of smoke detectors to install. 21

22 3. Are you (Seller) aware of any known defects/malfunctions in any 23 of the following?

24 Write Yes (Y) if you are aware, write No (N) if you are not aware. 25

26	Interior Walls	Ceilings	Floors
27	Exterior Walls	Doors	Windows
28	Roof	Foundation/	Basement
29		Slab(s)	
30	Walls/Fences	Driveways	Sidewalks

1 2	Plumbing/Sewers/ Elect Septics Syste				No. 1256	
3	Other Structural Components (Describe):			
4						
5						
6	If the answer to any of the	above :	is yes,	explain.	(Attach	
7	additional sheets if necessary):					
8						
9						
10	4. Are you (Seller) aware of any	y of the f	followin	g condition	ns?	
11	Write Yes (Y) if you are aware, w	rite No ((N) if yo	u are not a	ware.	
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26	 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 		<pre> Previous Structural or Roof Repair Hazardous or Toxic Waste Asbestos Components Urea formaldehyde Insulation Radon Gas Lead Based Paint Aluminum Wiring Previous Fires</pre>			
27 28 29 30 31 32 33	<pre> Landfill, Settling, Soil Movement, Fault Lines Single Blockable Main Drain in Pool/Hot Tub/Spa*</pre>	_	Subsurfa Structur Previous	e or Pits Use of Pre facture of		
34	If the answer to any of the	above :	is yes,	explain.	(Attach	
35	additional sheets if necessary):	·				
36						
37						
38	*A single blockable main d	lrain may	cause a	suction en	trapment	
	-	-			-	

1 hazard for an individual. Are you (Seller) aware of any item, equipment, or system in or 2 5. 3 on the property that is in need of repair? ___ Yes (if you are ___ No (if you are not aware). If yes, explain (attach 4 aware) 5 additional sheets necessary). as 6 Are you (Seller) aware of any of the following conditions?* 7 6. 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 13 to a natural flood event 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 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 (A) 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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H.B. No. 1256 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 of8 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.

13 "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 insurance rate map as a regulatory floodway, which includes the channel of a river or other watercourse and the adjacent land areas that must be reserved for the discharge of a base flood, also referred to as a 100-year flood, without cumulatively increasing the water surface elevation more than a designated height.

23 "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	 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
29 30 31 32 33 34 35	 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 is larger than 500 gallons and that uses a public water supply as an auxiliary water source.

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1 2	Any portion of the property that is located in a groundwater conservation district or a subsidence district.
3	If the answer to any of the above is yes, explain. (Attach
4	additional sheets if necessary):
5	
6	
7	10. If the property is located in a coastal area that is seaward of
8	the Gulf Intracoastal Waterway or within 1,000 feet of the mean high
9	tide bordering the Gulf of Mexico, the property may be subject to
10	the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63 ,
11	Natural Resources Code, respectively) and a beachfront
12	construction certificate or dune protection permit may be required
13	for repairs or improvements. Contact the local government with
14	ordinance authority over construction adjacent to public beaches
15	for more information.
16	11. This property may be located near a military installation and
17	may be affected by high noise or air installation compatible use
18	zones or other operations. Information relating to high noise and
19	compatible use zones is available in the most recent Air
20	Installation Compatible Use Zone Study or Joint Land Use Study
21	prepared for a military installation and may be accessed on the
22	Internet website of the military installation and of the county and
23	any municipality in which the military installation is located.
24	12. Provide the following information about each special district
25	in which the property is located:
26	(A) the name of the district;

27 (B) the ad valorem tax rate or assessment rate imposed by the district for the preceding tax year; and 28

1	(C) the dollar amount of any ad valorem taxes or assessments
2	imposed by the district for the preceding tax year. (Attach
3	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. The change in law made by this Act applies only
13	to a transfer of property that occurs on or after the effective date
14	of this Act. A transfer of property that occurs before the
15	effective date of this Act is governed by the law applicable to the
16	transfer immediately before that date, and the former law is
17	continued in effect for that purpose. For the purposes of this
18	section, a transfer of property occurs before the effective date of
19	this Act if the contract binding the purchaser to purchase the
20	property is executed before that date.
21	SECTION 3. This Act takes effect September 1, 2023.

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