

1-1 By: Zaffirini S.B. No. 59
 1-2 (In the Senate - Filed November 14, 2022;
 1-3 February 15, 2023, read first time and referred to Committee on
 1-4 Local Government; March 29, 2023, reported favorably by the
 1-5 following vote: Yeas 7, Nays 0; March 29, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Springer	X			
1-9 Eckhardt	X			
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Parker	X			
1-14 Paxton	X			
1-15 West			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to notice of water and wastewater requirements for the
 1-20 foreclosure sale of residential properties by certain political
 1-21 subdivisions.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The heading to Section 232.0315, Local
 1-24 Government Code, is amended to read as follows:

1-25 Sec. 232.0315. NOTICE OF WATER AND WASTEWATER REQUIREMENTS
 1-26 BY POLITICAL SUBDIVISIONS [COUNTIES].

1-27 SECTION 2. Sections 232.0315(a) and (b), Local Government
 1-28 Code, are amended to read as follows:

1-29 (a) This section applies only to a county or other political
 1-30 subdivision located in the county that sells:

1-31 (1) under Section 34.01, Tax Code, real property
 1-32 presumed to be for residential use under Section 232.022; or

1-33 (2) under Section 3, Part VI, Texas Rules of Civil
 1-34 Procedure, and Chapter 34, Civil Practice and Remedies Code, real
 1-35 property presumed to be for residential use under Section 232.022,
 1-36 taken by virtue of a writ of execution.

1-37 (b) A county or other political subdivision located in the
 1-38 county shall include in the public notice of sale of the property
 1-39 and the deed conveying the property a statement substantially
 1-40 similar to the following:

1-41 "THIS SALE IS BEING CONDUCTED PURSUANT TO STATUTORY OR
 1-42 JUDICIAL REQUIREMENTS. BIDDERS WILL BID ON THE RIGHTS, TITLE, AND
 1-43 INTERESTS, IF ANY, IN THE REAL PROPERTY OFFERED.

1-44 "THE PROPERTY IS SOLD AS IS, WHERE IS, AND WITHOUT ANY
 1-45 WARRANTY, EITHER EXPRESS OR IMPLIED. NEITHER THE SELLER [COUNTY]
 1-46 NOR THE SHERIFF'S DEPARTMENT WARRANTS OR MAKES ANY REPRESENTATIONS
 1-47 ABOUT THE PROPERTY'S TITLE, CONDITION, HABITABILITY,
 1-48 MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE. BUYERS
 1-49 ASSUME ALL RISKS.

1-50 "IN SOME SITUATIONS, A LOT OF FIVE ACRES OR LESS IS PRESUMED
 1-51 TO BE INTENDED FOR RESIDENTIAL USE. HOWEVER, IF THE PROPERTY LACKS
 1-52 WATER OR WASTEWATER SERVICE, THE PROPERTY MAY NOT QUALIFY FOR
 1-53 RESIDENTIAL USE. A POTENTIAL BUYER WHO WOULD LIKE MORE INFORMATION
 1-54 SHOULD MAKE ADDITIONAL INQUIRIES OR CONSULT WITH PRIVATE COUNSEL."

1-55 SECTION 3. Section 34.01(e), Tax Code, is amended to read as
 1-56 follows:

1-57 (e) A notice of sale under Subsection (c) must substantially
 1-58 comply with this subsection. The notice must include:

1-59 (1) a statement of the authority under which the sale
 1-60 is to be made;

1-61 (2) the date, time, and location of the sale; ~~and~~

2-1 (3) a brief description of the property to be sold; and
 2-2 (4) the statement required by Section 232.0315, Local
 2-3 Government Code, if the real property subject to the sale is located
 2-4 in a county subject to Subchapter B, Chapter 232, of that code and
 2-5 is presumed to be for residential use under Section 232.022 of that
 2-6 code.

2-7 SECTION 4. The changes in law made by this Act apply only to
 2-8 a sale for which public notice is required on or after the effective
 2-9 date of this Act. A sale for which public notice is required before
 2-10 the effective date of this Act is governed by the law in effect when
 2-11 the public notice was provided, and the former law is continued in
 2-12 effect for that purpose.

2-13 SECTION 5. This Act takes effect September 1, 2023.

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