

By: Minjarez

H.B. No. 797

A BILL TO BE ENTITLED

AN ACT

relating to providing information to the public and to purchasers
of real property regarding the impact of military installations.

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

SECTION 1. Chapter 397, Local Government Code, is amended
by adding Section 397.007 to read as follows:

Sec. 397.007. PUBLIC INFORMATION REGARDING IMPACT OF
MILITARY INSTALLATIONS. A county and any municipality in which is
located a military installation shall work closely with the
military installation as necessary to ensure that the most recent
Air Installation Compatible Use Zone Study or Joint Land Use Study
applicable to each military installation or a link to that
information is publicly available on the local governmental
entity's Internet website.

SECTION 2. Section 5.008(b), Property Code, is amended to
read as follows:

(b) The notice must be executed and must, at a minimum, read
substantially similar to the following:

SELLER'S DISCLOSURE NOTICE

CONCERNING THE PROPERTY AT _____
(Street Address and City)

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.

1 Seller __ is __ is not occupying the Property.

2 If unoccupied, how long since Seller has occupied the Property?

3 _____

4 1. The Property has the items checked below:

5 Write Yes (Y), No (N), or Unknown (U).

6 __ Range	__ Oven	__ Microwave
7 __ Dishwasher	__ Trash Compactor	__ Disposal
8 __ Washer/Dryer	__ Window	__ Rain Gutters
9 Hookups	__ Screens	
10 __ Security	__ Fire Detection	__ Intercom
11 System	Equipment	System
12	__ Smoke Detector	
13	__ Smoke Detector -	
14	Hearing Impaired	
15	__ Carbon Monoxide	
16	Alarm	
17	__ Emergency Escape	
18	Ladder(s)	
19 __ TV Antenna	__ Cable TV	__ Satellite
20	Wiring	Dish
21 __ Ceiling Fan(s)	__ Attic Fan(s)	__ Exhaust
22		Fan(s)
23 __ Central A/C	__ Central Heating	__ Wall/Window
24		Air
25		Conditioning
26 __ Plumbing System	__ Septic System	__ Public Sewer
27		System
28 __ Patio/Decking	__ Outdoor Grill	__ Fences
29 __ Pool	__ Sauna	__ Spa
30		Hot Tub
31 __ Pool Equipment	__ Pool Heater	__ Automatic Lawn
32		Sprinkler
33		System
34 __ Fireplace(s) &		__ Fireplace(s) &
35 Chimney		Chimney
36 (Woodburning)		(Mock)
37 __ Natural Gas Lines		__ Gas Fixtures
38 __ Liquid Propane Gas:	__ LP Community	__ LP on Property
39	(Captive)	
40 Garage: __ Attached	__ Not Attached	__ Carport
41 Garage Door Opener(s):	__ Electronic	__ Control(s)
42 Water Heater:	__ Gas	__ Electric
43 Water Supply: __ City	__ Well __ MUD	__ Co-op
44 Roof Type: _____	Age: _____	(approx)

45 Are you (Seller) aware of any of the above items that are not in

46 working condition, that have known defects, or that are in need of

1 repair? ☐ Yes ☐ No ☐ Unknown.

2 If yes, then describe. (Attach additional sheets if necessary):

3 _____

4 _____

5 2. Does the property have working smoke detectors installed in
6 accordance with the smoke detector requirements of Chapter 766,
7 Health and Safety Code?* ☐ Yes ☐ No ☐ Unknown.

8 If the answer to the question above is no or unknown,
9 explain. (Attach additional sheets if necessary):_____

10 _____

11 _____

12 *Chapter 766 of the Health and Safety Code requires
13 one-family or two-family dwellings to have working smoke detectors
14 installed in accordance with the requirements of the building code
15 in effect in the area in which the dwelling is located, including
16 performance, location, and power source requirements. If you do
17 not know the building code requirements in effect in your area, you
18 may check unknown above or contact your local building official for
19 more information. A buyer may require a seller to install smoke
20 detectors for the hearing impaired if: (1) the buyer or a member of
21 the buyer's family who will reside in the dwelling is hearing
22 impaired; (2) the buyer gives the seller written evidence of the
23 hearing impairment from a licensed physician; and (3) within 10
24 days after the effective date, the buyer makes a written request for
25 the seller to install smoke detectors for the hearing impaired and
26 specifies the locations for installation. The parties may agree
27 who will bear the cost of installing the smoke detectors and which

1 brand of smoke detectors to install.

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

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

- | | | | |
|----|--|---|---|
| 5 | <input type="checkbox"/> Interior Walls | <input type="checkbox"/> Ceilings | <input type="checkbox"/> Floors |
| 6 | <input type="checkbox"/> Exterior Walls | <input type="checkbox"/> Doors | <input type="checkbox"/> Windows |
| 7 | <input type="checkbox"/> Roof | <input type="checkbox"/> Foundation/
Slab(s) | <input type="checkbox"/> Basement |
| 8 | | | |
| 9 | <input type="checkbox"/> Walls/Fences | <input type="checkbox"/> Driveways | <input type="checkbox"/> Sidewalks |
| 10 | <input type="checkbox"/> Plumbing/Sewers/
Septics | <input type="checkbox"/> Electrical
Systems | <input type="checkbox"/> Lighting
Fixtures |

12 ☐ Other Structural Components (Describe):_____

13 _____

14 _____

15 If the answer to any of the above is yes, explain. (Attach
16 additional sheets if necessary):_____

17 _____

18 _____

19 4. Are you (Seller) aware of any of the following conditions?

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

- | | | |
|----|---|---|
| 21 | <input type="checkbox"/> Active Termites | <input type="checkbox"/> Previous Structural |
| 22 | (includes | or Roof Repair |
| 23 | wood-destroying insects) | |
| 24 | <input type="checkbox"/> Termite or Wood Rot Damage | <input type="checkbox"/> Hazardous or Toxic Waste |
| 25 | <input type="checkbox"/> Needing Repair | |
| 26 | <input type="checkbox"/> Previous Termite Damage | <input type="checkbox"/> Asbestos Components |
| 27 | <input type="checkbox"/> Previous Termite | <input type="checkbox"/> Urea formaldehyde |
| 28 | <input type="checkbox"/> Treatment | <input type="checkbox"/> Insulation |
| 29 | <input type="checkbox"/> Previous Flooding | <input type="checkbox"/> Radon Gas |
| 30 | <input type="checkbox"/> Improper Drainage | <input type="checkbox"/> Lead Based Paint |
| 31 | <input type="checkbox"/> Water Penetration | <input type="checkbox"/> Aluminum Wiring |
| 32 | <input type="checkbox"/> Located in 100-Year | <input type="checkbox"/> Previous Fires |
| 33 | <input type="checkbox"/> Floodplain | |
| 34 | <input type="checkbox"/> Present Flood Insurance | <input type="checkbox"/> Unplatted Easements |
| 35 | <input type="checkbox"/> Coverage | |
| 36 | <input type="checkbox"/> Landfill, Settling, Soil | <input type="checkbox"/> Subsurface |
| 37 | <input type="checkbox"/> Movement, Fault Lines | <input type="checkbox"/> Structure or Pits |
| 38 | <input type="checkbox"/> Single Blockable Main | <input type="checkbox"/> Previous Use of Premises |
| 39 | <input type="checkbox"/> Drain in Pool/Hot | <input type="checkbox"/> for Manufacture of |

Tub/Spa*

Methamphetamine

If the answer to any of the above is yes, explain. (Attach additional sheets if necessary):

*A single blockable main drain may cause a suction entrapment hazard for an individual.

5. Are you (Seller) aware of any item, equipment, or system in or on the property that is in need of repair? ☐ Yes (if you are aware) ☐ No (if you are not aware). If yes, explain (attach additional sheets as necessary).

6. Are you (Seller) aware of any of the following?

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

- ☐ 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 is larger than 500 gallons and that uses a public water supply as an auxiliary water source.
- ☐ 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. (Attach additional sheets if necessary):

7. 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 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, Natural Resources Code, respectively) and a beachfront construction certificate or dune protection permit may be required for repairs or improvements. Contact the local government with ordinance authority over construction adjacent to public beaches for more information.

8. This property may be located near a military installation and may be affected by high noise or air installation compatible use zones or other operations. Information relating to high noise and compatible use zones is available in the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study prepared for a military installation and may be accessed on the Internet website of the military installation and of the county and any municipality in which the military installation is located.

_____	_____
Date	Signature of Seller

The undersigned purchaser hereby acknowledges receipt of the foregoing notice.

_____	_____
Date	Signature of Purchaser

SECTION 3. Section 5.008(b), Property Code, as amended by this Act, applies only to a transfer of property that occurs on or after the effective date of this Act. A transfer of property that occurs before the effective date of this Act is governed by the law applicable to the transfer immediately before that date, and the

1 former law is continued in effect for that purpose. For the
2 purposes of this section, a transfer of property occurs before the
3 effective date of this Act if the contract binding the purchaser to
4 purchase the property is executed before that date.

5 SECTION 4. This Act takes effect September 1, 2017.