

By: Lucio III

H.B. No. 1221

A BILL TO BE ENTITLED

AN ACT

relating to seller's disclosures in connection with residential
real property subject to groundwater regulation.

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

SECTION 1. 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.

Seller ___ is ___ is not occupying the Property.

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

1. The Property has the items checked below:

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

___ Range	___ Oven	___ Microwave
___ Dishwasher	___ Trash Compactor	___ Disposal
___ Washer/Dryer	___ Window	___ Rain Gutters
___ Hookups	___ Screens	
___ Security	___ Fire Detection	___ Intercom
___ System	___ Equipment	___ System
	___ Smoke Detector	
	___ Smoke Detector -	
	___ Hearing Impaired	
	___ Carbon Monoxide	

1		Alarm	
2		___ Emergency Escape	
3		Ladder(s)	
4	___ TV Antenna	___ Cable TV	___ Satellite
5		Wiring	Dish
6	___ Ceiling Fan(s)	___ Attic Fan(s)	___ Exhaust
7			Fan(s)
8	___ Central A/C	___ Central Heating	___ Wall/Window
9			Air
10			Conditioning
11	___ Plumbing System	___ Septic System	___ Public Sewer
12			System
13	___ Patio/Decking	___ Outdoor Grill	___ Fences
14	___ Pool	___ Sauna	___ Spa
15			Hot Tub
16	___ Pool Equipment	___ Pool Heater	___ Automatic Lawn
17			Sprinkler
18			System
19	___ Fireplace(s) &		___ Fireplace(s) &
20	Chimney		Chimney
21	(Woodburning)		(Mock)
22	___ Natural Gas Lines		___ Gas Fixtures
23	___ Liquid Propane Gas:	___ LP Community	___ LP on Property
24		(Captive)	
25	Garage: ___ Attached	___ Not Attached	___ Carport
26	Garage Door Opener(s):	___ Electronic	___ Control(s)
27	Water Heater:	___ Gas	___ Electric
28	Water Supply: ___ City	___ Well ___ MUD	___ Co-op
29	Roof Type: _____	Age: _____	(approx)

30 Are you (Seller) aware of any of the above items that are not in
31 working condition, that have known defects, or that are in need of
32 repair? ___ Yes ___ No ___ Unknown.

33 If yes, then describe. (Attach additional sheets if necessary):
34 _____
35 _____

36 2. Does the property have working smoke detectors installed in
37 accordance with the smoke detector requirements of Chapter 766,
38 Health and Safety Code?* ___ Yes ___ No ___ Unknown.

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

1 _____

2 *Chapter 766 of the Health and Safety Code requires

3 one-family or two-family dwellings to have working smoke detectors

4 installed in accordance with the requirements of the building code

5 in effect in the area in which the dwelling is located, including

6 performance, location, and power source requirements. If you do

7 not know the building code requirements in effect in your area, you

8 may check unknown above or contact your local building official for

9 more information. A buyer may require a seller to install smoke

10 detectors for the hearing impaired if: (1) the buyer or a member of

11 the buyer's family who will reside in the dwelling is hearing

12 impaired; (2) the buyer gives the seller written evidence of the

13 hearing impairment from a licensed physician; and (3) within 10

14 days after the effective date, the buyer makes a written request for

15 the seller to install smoke detectors for the hearing impaired and

16 specifies the locations for installation. The parties may agree

17 who will bear the cost of installing the smoke detectors and which

18 brand of smoke detectors to install.

19 3. Are you (Seller) aware of any known defects/malfunctions in any

20 of the following?

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

22 ___ Interior Walls	___ Ceilings	___ Floors
23 ___ Exterior Walls	___ Doors	___ Windows
24 ___ Roof	___ Foundation/	___ Basement
25	Slab(s)	
26 ___ Walls/Fences	___ Driveways	___ Sidewalks
27 ___ Plumbing/Sewers/	___ Electrical	___ Lighting
28 Septics	Systems	Fixtures

29 ___ Other Structural Components (Describe): _____

30 _____

1 _____
2 If the answer to any of the above is yes, explain. (Attach
3 additional sheets if necessary): _____
4 _____
5 _____

6 4. Are you (Seller) aware of any of the following conditions?
7 Write Yes (Y) if you are aware, write No (N) if you are not aware.

8 <input type="checkbox"/> Active Termites	<input type="checkbox"/> Previous Structural
9 (includes	or Roof Repair
10 wood-destroying insects)	
11 <input type="checkbox"/> Termite or Wood Rot Damage	<input type="checkbox"/> Hazardous or Toxic Waste
12 <input type="checkbox"/> Needing Repair	
13 <input type="checkbox"/> Previous Termite Damage	<input type="checkbox"/> Asbestos Components
14 <input type="checkbox"/> Previous Termite	<input type="checkbox"/> Urea formaldehyde
15 <input type="checkbox"/> Treatment	<input type="checkbox"/> Insulation
16 <input type="checkbox"/> Previous Flooding	<input type="checkbox"/> Radon Gas
17 <input type="checkbox"/> Improper Drainage	<input type="checkbox"/> Lead Based Paint
18 <input type="checkbox"/> Water Penetration	<input type="checkbox"/> Aluminum Wiring
19 <input type="checkbox"/> Located in 100-Year	<input type="checkbox"/> Previous Fires
20 <input type="checkbox"/> Floodplain	
21 <input type="checkbox"/> Present Flood Insurance	<input type="checkbox"/> Unplatted Easements
22 <input type="checkbox"/> Coverage	
23 <input type="checkbox"/> Landfill, Settling, Soil	<input type="checkbox"/> Subsurface
24 <input type="checkbox"/> Movement, Fault Lines	<input type="checkbox"/> Structure or Pits
25 <input type="checkbox"/> Single Blockable Main	<input type="checkbox"/> Previous Use of Premises
26 <input type="checkbox"/> Drain in Pool/Hot	<input type="checkbox"/> for Manufacture of
27 <input type="checkbox"/> Tub/Spa*	<input type="checkbox"/> Methamphetamine

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

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

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

1 additional sheets as necessary).

2 _____

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

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

- 5 ☐ Room additions, structural modifications, or other
6 alterations or repairs made without necessary permits or not
7 in compliance with building codes in effect at that time.
8 ☐ Homeowners' Association or maintenance fees or assessments.
9 ☐ Any "common area" (facilities such as pools, tennis courts,
10 walkways, or other areas) co-owned in undivided interest with
11 others.
12 ☐ Any notices of violations of deed restrictions or
13 governmental ordinances affecting the condition or use of the
14 Property.
15 ☐ Any lawsuits directly or indirectly affecting the Property.
16 ☐ Any condition on the Property which materially affects the
17 physical health or safety of an individual.
18 ☐ Any rainwater harvesting system located on the property that
19 is larger than 500 gallons and that uses a public water supply
20 as an auxiliary water source.
21 ☒ Any portion of the property that is located in a groundwater
22 conservation district, a subsidence district, or other
23 special purpose district with the authority to regulate the
24 withdrawal of groundwater.

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

27 _____

28 _____

29 7. If the property is located in a coastal area that is seaward of
30 the Gulf Intracoastal Waterway or within 1,000 feet of the mean high
31 tide bordering the Gulf of Mexico, the property may be subject to
32 the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63,
33 Natural Resources Code, respectively) and a beachfront
34 construction certificate or dune protection permit may be required
35 for repairs or improvements. Contact the local government with
36 ordinance authority over construction adjacent to public beaches

for more information.

_____	_____
Date	Signature of Seller

The undersigned purchaser hereby acknowledges receipt of the foregoing notice.

_____	_____
Date	Signature of Purchaser

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

SECTION 3. This Act takes effect September 1, 2015.