

1 AN ACT

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

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

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

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

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

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

19 SELLER'S DISCLOSURE NOTICE
20 CONCERNING THE PROPERTY AT _____
21 (Street Address and City)

22 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF
23 THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY
24 SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR
25 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT
26 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 | | | |
| 7 | <input type="checkbox"/> Range | <input type="checkbox"/> Oven | <input type="checkbox"/> Microwave |
| 8 | <input type="checkbox"/> Dishwasher | <input type="checkbox"/> Trash Compactor | <input type="checkbox"/> Disposal |
| 9 | <input type="checkbox"/> Washer/Dryer | <input type="checkbox"/> Window | <input type="checkbox"/> Rain Gutters |
| 10 | Hookups | <input type="checkbox"/> Screens | |
| 11 | <input type="checkbox"/> Security | <input type="checkbox"/> Fire Detection | <input type="checkbox"/> Intercom |
| 12 | System | Equipment | System |
| 13 | | <input type="checkbox"/> Smoke Detector | |
| 14 | | <input type="checkbox"/> Smoke Detector - | |
| 15 | | Hearing Impaired | |
| 16 | | <input type="checkbox"/> Carbon Monoxide | |
| 17 | | Alarm | |
| 18 | | <input type="checkbox"/> Emergency Escape | |
| 19 | | Ladder(s) | |
| 20 | <input type="checkbox"/> TV Antenna | <input type="checkbox"/> Cable TV | <input type="checkbox"/> Satellite |
| 21 | | Wiring | Dish |
| 22 | <input type="checkbox"/> Ceiling Fan(s) | <input type="checkbox"/> Attic Fan(s) | <input type="checkbox"/> Exhaust |
| 23 | | | Fan(s) |
| 24 | <input type="checkbox"/> Central A/C | <input type="checkbox"/> Central Heating | <input type="checkbox"/> Wall/Window |
| 25 | | | Air |
| 26 | | | Conditioning |
| 27 | <input type="checkbox"/> Plumbing System | <input type="checkbox"/> Septic System | <input type="checkbox"/> Public Sewer |
| 28 | | | System |
| 29 | <input type="checkbox"/> Patio/Decking | <input type="checkbox"/> Outdoor Grill | <input type="checkbox"/> Fences |
| 30 | <input type="checkbox"/> Pool | <input type="checkbox"/> Sauna | <input type="checkbox"/> Spa |
| 31 | | | <input type="checkbox"/> Hot Tub |
| 32 | <input type="checkbox"/> Pool Equipment | <input type="checkbox"/> Pool Heater | <input type="checkbox"/> Automatic Lawn |
| 33 | | | Sprinkler |
| 34 | | | System |
| 35 | <input type="checkbox"/> Fireplace(s) & | | <input type="checkbox"/> Fireplace(s) & |
| 36 | Chimney | | Chimney |
| 37 | (Woodburning) | | (Mock) |
| 38 | <input type="checkbox"/> Natural Gas Lines | | <input type="checkbox"/> Gas Fixtures |
| 39 | <input type="checkbox"/> Liquid Propane Gas: | <input type="checkbox"/> LP Community | <input type="checkbox"/> LP on Property |
| 40 | | (Captive) | |
| 41 | Garage: <input type="checkbox"/> Attached | <input type="checkbox"/> Not Attached | <input type="checkbox"/> Carport |
| 42 | Garage Door Opener(s): | <input type="checkbox"/> Electronic | <input type="checkbox"/> Control(s) |
| 43 | Water Heater: | <input type="checkbox"/> Gas | <input type="checkbox"/> Electric |
| 44 | Water Supply: <input type="checkbox"/> City | <input type="checkbox"/> Well <input type="checkbox"/> MUD | <input type="checkbox"/> Co-op |
| 45 | Roof Type: _____ | | Age: _____(approx) |

46 Are you (Seller) aware of any of the above items that are not in
 47 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
- 6 Interior Walls Ceilings Floors
- 7 Exterior Walls Doors Windows
- 8 Roof Foundation/
9 Slab(s) Basement
- 10 Walls/Fences Driveways Sidewalks
- 11 Plumbing/Sewers/
12 Septics Electrical Lighting
 Systems Fixtures

13 Other Structural Components (Describe): _____

14 _____

15 _____

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

18 _____

19 _____

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

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

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

1 Tub/Spa*

Methamphetamine

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

4 _____
5 _____

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

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

12 _____

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

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

15
16 ___ Room additions, structural modifications, or other
17 alterations or repairs made without necessary permits or not
18 in compliance with building codes in effect at that time.

19 ___ Homeowners' Association or maintenance fees or assessments.

20 ___ Any "common area" (facilities such as pools, tennis courts,
21 walkways, or other areas) co-owned in undivided interest with
22 others.

23 ___ Any notices of violations of deed restrictions or
24 governmental ordinances affecting the condition or use of the
25 Property.

26 ___ Any lawsuits directly or indirectly affecting the Property.

27 ___ Any condition on the Property which materially affects the
28 physical health or safety of an individual.

29 ___ Any rainwater harvesting system located on the property that
30 is larger than 500 gallons and that uses a public water supply
31 as an auxiliary water source.

32 ___ Any portion of the property that is located in a groundwater
33 conservation district or a subsidence district.

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

36 _____
37 _____

1 7. If the property is located in a coastal area that is seaward of
2 the Gulf Intracoastal Waterway or within 1,000 feet of the mean high
3 tide bordering the Gulf of Mexico, the property may be subject to
4 the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63,
5 Natural Resources Code, respectively) and a beachfront
6 construction certificate or dune protection permit may be required
7 for repairs or improvements. Contact the local government with
8 ordinance authority over construction adjacent to public beaches
9 for more information.

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

18 _____
19 Date Signature of Seller

20 The undersigned purchaser hereby acknowledges receipt of the
21 foregoing notice.

22 _____
23 Date Signature of Purchaser

24 SECTION 3. Section 5.008(b), Property Code, as amended by
25 this Act, applies only to a transfer of property that occurs on or
26 after the effective date of this Act. A transfer of property that
27 occurs before the effective date of this Act is governed by the law
28 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.

President of the Senate

Speaker of the House

I certify that H.B. No. 890 was passed by the House on April 6, 2017, by the following vote: Yeas 133, Nays 9, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 890 was passed by the Senate on May 8, 2017, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor