By: Farias, et al. (Senate Sponsor - Campbell) H.B. No. 1639 (In the Senate - Received from the House May 7, 2015; May 18, 2015, read first time and referred to Committee on Business 1-2 1-3 and Commerce; May 22, 2015, reported favorably by the following vote: Yeas 5, Nays 3; May 22, 2015, sent to printer.) 1-4 1-5 1-6 COMMITTEE VOTE 1-7 Yea Absent PNV Nav 1-8 Eltife Х 1-9 Creighton Х 1-10 1-11 Ellis Х Huffines Х 1-12 Х Schwertner Seliger 1-13 Х Taylor of Galveston Х 1-14 1**-**15 1**-**16 Watson Х Whitmire A BILL TO BE ENTITLED 1-17 1-18 AN ACT 1-19 relating to providing information to the public and to purchasers 1-20 of real property regarding the impact of military installations. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: 1-21 1-22 1-23 Chapter 397, Local Government Code, is amended SECTION 1. by adding Section 397.007 to read as follows: 1-24 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 1-25 1-26 1-27 1-28 1-29 information is publicly available on the local governmental 1-30 1-31 entity's Internet website. Section 5.008(b), Property Code, is amended to 1-32 SECTION 2. 1-33 read as follows: 1-34 The notice must be executed and must, at a minimum, read (b) 1-35 substantially similar to the following: 1-36 SELLER'S DISCLOSURE NOTICE CONCERNING THE PROPERTY AT 1-37 1-38 (Street Address and City) 1-39 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 1-40 1-41 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT 1-42 1-43 A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS. 1-44 Seller _ _ is __ is not occupying the Property. 1-45 If unoccupied, how long since Seller has occupied the Property? 1-46 1-47 The Property has the items checked below: 1. 1-48 Write Yes (Y), No (N), or Unknown (U). _ Oven _ Microwave 1-49 _ Range ___ Dishwasher 1-50 ___ Disposal Trash Compactor 1-51 Washer/Dryer _ Window ___ Rain Gutters 1-52 Hookups Screens ___ Intercom 1-53 _ Security Fire Detection System 1-54 Equipment System 1-55 Smoke Detector 1-56 _ Smoke Detector -1-57 Hearing Impaired _ Carbon Monoxide 1-58 Alarm 1-59

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2-68

Septics

____ Emergency Escape Ladder(s) ____Satellite _ Cable TV __ TV Antenna Wiring Dish _Exhaust ___ Ceiling Fan(s) __ Attic Fan(s) Fan(s) ___ Central A/C ___ Central Heating ___ Wall/Window Air Conditioning ___ Public Sewer ___ Plumbing System ___ Septic System System ___ Outdoor Grill ___ Fences ___ Patio/Decking ___ Spa ___ Pool ___ Sauna ___ Hot Tub ___ Automatic Lawn ___ Pool Equipment ___ Pool Heater Sprinkler System ___ Fireplace(s) & ___ Fireplace(s) & Chimney Chimney (Woodburning) (Mock) ___ Natural Gas Lines ___ Gas Fixtures ___ LP Community _ Liquid Propane Gas: _ LP on Property (Captive) _ Attached ___ Not Attached ___ Carport Garage: _ ____Control(s) ___ Electronic Garage Door Opener(s): ___ Gas ___ Electric Water Heater: Water Supply: ___ City ___Well ___MUD _ Co-op Roof Type: _____ Age: ____ (approx) Are you (Seller) aware of any of the above items that are not in working condition, that have known defects, or that are in need of repair? repair? ___Yes ___No ___Unknown. If yes, then describe. (Attach additional sheets if necessary): 2. Does the property have working smoke detectors installed in accordance with the smoke detector requirements of Chapter 766, Health and Safety Code?* ___ Yes ___ No ___ Unknown. If the answer to the question above is no or unknown, explain. (Attach additional sheets if necessary):____ *Chapter 766 of the Health and Safety Code requires one-family or two-family dwellings to have working smoke detectors installed in accordance with the requirements of the building code in effect in the area in which the dwelling is located, including performance, location, and power source requirements. If you do not know the building code requirements in effect in your area, you may check unknown above or contact your local building official for more information. A buyer may require a seller to install smoke detectors for the hearing impaired if: (1) the buyer or a member of the buyer's family who will reside in the dwelling is hearing impaired; (2) the buyer gives the seller written evidence of the hearing impairment from a licensed physician; and (3) within 10 days after the effective date, the buyer makes a written request for the seller to install smoke detectors for the hearing impaired and specifies the locations for installation. The parties may agree who will bear the cost of installing the smoke detectors and which brand of smoke detectors to install. 3. Are you (Seller) aware of any known defects/malfunctions in any of the following? Write Yes (Y) if you are aware, write No (N) if you are not aware. ____Interior Walls ___ Ceilings _ Floors __ Doors ___ Windows ___ Exterior Walls ____ Foundation/
Slab(s) 2-64 ___ Roof ___ Basement 2-65 ___ Walls/Fences ___ Plumbing/Sewers/ ___ Sidewalks ___ Lighting ___ Driveways 2-66 ___ Electrical 2-67

H.B. No. 1639

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 $$\rm H.B.$ No. 1639 for repairs or improvements. Contact the local government with 4-1 ordinance authority over construction adjacent to public beaches 4-2 4-3 for more information. 4-4 This property may be located near a military installation and 8._ may be affected by high noise or air installation compatible use zones or other operations. Information relating to high noise and 4-5 4-6 compatible use zones is available in the most recent Air 4-7 4-8 Installation Compatible Use Zone Study or Joint Land Use Study 4-9 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. 4-10 4**-**11 4-12 Signature of Seller 4-13 Date 4-14 The undersigned purchaser hereby acknowledges receipt of the 4**-**15 4**-**16 foregoing notice. 4-17 Signature of Purchaser Date 4-18 SECTION 3. Section 5.008(b), Property Code, as amended by this Act, applies only to a transfer of property that occurs on or 4-19 4-20 4-21 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 4-22 former law is continued in effect for that purpose. For the 4-23 purposes of this section, a transfer of property occurs before the effective date of this Act if the contract binding the purchaser to 4-24

4-27 SECTION 4. This Act takes effect September 1, 2015.

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purchase the property is executed before that date.