

1-1 By: Estes S.B. No. 775  
 1-2 (In the Senate - Filed February 8, 2017; February 22, 2017,  
 1-3 read first time and referred to Committee on Business & Commerce;  
 1-4 April 5, 2017, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; April 5, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 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.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 397, Local Government Code, is amended  
 1-23 by adding Section 397.007 to read as follows:

1-24 Sec. 397.007. PUBLIC INFORMATION REGARDING IMPACT OF  
 1-25 MILITARY INSTALLATIONS. A county and any municipality in which is  
 1-26 located a military installation shall work closely with the  
 1-27 military installation as necessary to ensure that the most recent  
 1-28 Air Installation Compatible Use Zone Study or Joint Land Use Study  
 1-29 applicable to each military installation or a link to that  
 1-30 information is publicly available on the local governmental  
 1-31 entity's Internet website.

1-32 SECTION 2. Section 5.008(b), Property Code, is amended to  
 1-33 read as follows:

1-34 (b) The notice must be executed and must, at a minimum, read  
 1-35 substantially similar to the following:

1-36 SELLER'S DISCLOSURE NOTICE

1-37 CONCERNING THE PROPERTY AT \_\_\_\_\_

1-38 (Street Address and City)

1-39 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF  
 1-40 THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY  
 1-41 SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR  
 1-42 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT  
 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 1. The Property has the items checked below:

1-48 Write Yes (Y), No (N), or Unknown (U).

- |      |                  |                      |                  |
|------|------------------|----------------------|------------------|
| 1-49 | ___ Range        | ___ Oven             | ___ Microwave    |
| 1-50 | ___ Dishwasher   | ___ Trash Compactor  | ___ Disposal     |
| 1-51 | ___ Washer/Dryer | ___ Window           | ___ Rain Gutters |
| 1-52 | ___ Hookups      | ___ Screens          |                  |
| 1-53 | ___ Security     | ___ Fire Detection   | ___ Intercom     |
| 1-54 | ___ System       | ___ Equipment        | ___ System       |
| 1-55 |                  | ___ Smoke Detector   |                  |
| 1-56 |                  | ___ Smoke Detector - |                  |
| 1-57 |                  | ___ Hearing Impaired |                  |
| 1-58 |                  | ___ Carbon Monoxide  |                  |
| 1-59 |                  | ___ Alarm            |                  |

- 2-1                                   \_\_\_ Emergency Escape
- 2-2                                   \_\_\_ Ladder(s)
- 2-3   \_\_\_ TV Antenna               \_\_\_ Cable TV                       \_\_\_ Satellite
- 2-4                                   \_\_\_ Wiring                           \_\_\_ Dish
- 2-5   \_\_\_ Ceiling Fan(s)           \_\_\_ Attic Fan(s)                   \_\_\_ Exhaust
- 2-6                                   \_\_\_ Fan(s)
- 2-7   \_\_\_ Central A/C               \_\_\_ Central Heating               \_\_\_ Wall/Window
- 2-8                                   \_\_\_ Air
- 2-9                                   \_\_\_ Conditioning
- 2-10  \_\_\_ Plumbing System           \_\_\_ Septic System                   \_\_\_ Public Sewer
- 2-11                                   \_\_\_ System
- 2-12  \_\_\_ Patio/Decking           \_\_\_ Outdoor Grill                   \_\_\_ Fences
- 2-13  \_\_\_ Pool                       \_\_\_ Sauna                           \_\_\_ Spa
- 2-14                                   \_\_\_ Hot Tub
- 2-15  \_\_\_ Pool Equipment           \_\_\_ Pool Heater                   \_\_\_ Automatic Lawn
- 2-16                                   \_\_\_ Sprinkler
- 2-17                                   \_\_\_ System
- 2-18  \_\_\_ Fireplace(s) &           \_\_\_ Fireplace(s) &
- 2-19       Chimney                   \_\_\_ Chimney
- 2-20       (Woodburning)           \_\_\_ (Mock)
- 2-21  \_\_\_ Natural Gas Lines           \_\_\_ Gas Fixtures
- 2-22  \_\_\_ Liquid Propane Gas:       \_\_\_ LP Community                   \_\_\_ LP on Property
- 2-23                                   \_\_\_ (Captive)
- 2-24  Garage: \_\_\_ Attached           \_\_\_ Not Attached                   \_\_\_ Carport
- 2-25  Garage Door Opener(s):       \_\_\_ Electronic                   \_\_\_ Control(s)
- 2-26  Water Heater:               \_\_\_ Gas                           \_\_\_ Electric
- 2-27  Water Supply: \_\_\_ City       \_\_\_ Well \_\_\_ MUD                   \_\_\_ Co-op
- 2-28  Roof Type: \_\_\_\_\_ Age: \_\_\_\_\_(approx)
- 2-29  Are you (Seller) aware of any of the above items that are not in
- 2-30  working condition, that have known defects, or that are in need of
- 2-31  repair? \_\_\_ Yes \_\_\_ No \_\_\_ Unknown.
- 2-32  If yes, then describe. (Attach additional sheets if necessary):
- 2-33  \_\_\_\_\_
- 2-34  \_\_\_\_\_
- 2-35  2. Does the property have working smoke detectors installed in
- 2-36  accordance with the smoke detector requirements of Chapter 766,
- 2-37  Health and Safety Code?\* \_\_\_ Yes \_\_\_ No \_\_\_ Unknown.
- 2-38  If the answer to the question above is no or unknown, explain.
- 2-39  (Attach additional sheets if necessary):\_\_\_\_\_
- 2-40  \_\_\_\_\_
- 2-41  \_\_\_\_\_
- 2-42  \*Chapter 766 of the Health and Safety Code requires
- 2-43  one-family or two-family dwellings to have working smoke detectors
- 2-44  installed in accordance with the requirements of the building code
- 2-45  in effect in the area in which the dwelling is located, including
- 2-46  performance, location, and power source requirements. If you do
- 2-47  not know the building code requirements in effect in your area, you
- 2-48  may check unknown above or contact your local building official for
- 2-49  more information. A buyer may require a seller to install smoke
- 2-50  detectors for the hearing impaired if: (1) the buyer or a member of
- 2-51  the buyer's family who will reside in the dwelling is hearing
- 2-52  impaired; (2) the buyer gives the seller written evidence of the
- 2-53  hearing impairment from a licensed physician; and (3) within 10
- 2-54  days after the effective date, the buyer makes a written request for
- 2-55  the seller to install smoke detectors for the hearing impaired and
- 2-56  specifies the locations for installation. The parties may agree
- 2-57  who will bear the cost of installing the smoke detectors and which
- 2-58  brand of smoke detectors to install.
- 2-59  3. Are you (Seller) aware of any known defects/malfunctions in any
- 2-60  of the following?
- 2-61  Write Yes (Y) if you are aware, write No (N) if you are not aware.
- 2-62  \_\_\_ Interior Walls               \_\_\_ Ceilings                       \_\_\_ Floors
- 2-63  \_\_\_ Exterior Walls               \_\_\_ Doors                           \_\_\_ Windows
- 2-64  \_\_\_ Roof                           \_\_\_ Foundation/                   \_\_\_ Basement
- 2-65                                   \_\_\_ Slab(s)
- 2-66  \_\_\_ Walls/Fences               \_\_\_ Driveways                   \_\_\_ Sidewalks
- 2-67  \_\_\_ Plumbing/Sewers/           \_\_\_ Electrical                   \_\_\_ Lighting
- 2-68       Septics                   \_\_\_ Systems                       \_\_\_ Fixtures

- 3-1  Other Structural Components (Describe): \_\_\_\_\_  
 3-2 \_\_\_\_\_  
 3-3 \_\_\_\_\_  
 3-4 If the answer to any of the above is yes, explain. (Attach  
 3-5 additional sheets if necessary): \_\_\_\_\_  
 3-6 \_\_\_\_\_  
 3-7 \_\_\_\_\_  
 3-8 4. Are you (Seller) aware of any of the following conditions?  
 3-9 Write Yes (Y) if you are aware, write No (N) if you are not aware.
- |  |   |
|--|---|
| 3-10 <input type="checkbox"/> Active Termites            | <input type="checkbox"/> Previous Structural      |
| 3-11 (includes   | or Roof Repair                                    |
| 3-12 wood-destroying insects)                            |   |
| 3-13 <input type="checkbox"/> Termite or Wood Rot Damage | <input type="checkbox"/> Hazardous or Toxic Waste |
| 3-14 <input type="checkbox"/> Needing Repair             |   |
| 3-15 <input type="checkbox"/> Previous Termite Damage    | <input type="checkbox"/> Asbestos Components      |
| 3-16 <input type="checkbox"/> Previous Termite           | <input type="checkbox"/> Urea formaldehyde        |
| 3-17 <input type="checkbox"/> Treatment                  | <input type="checkbox"/> Insulation               |
| 3-18 <input type="checkbox"/> Previous Flooding          | <input type="checkbox"/> Radon Gas                |
| 3-19 <input type="checkbox"/> Improper Drainage          | <input type="checkbox"/> Lead Based Paint         |
| 3-20 <input type="checkbox"/> Water Penetration          | <input type="checkbox"/> Aluminum Wiring          |
| 3-21 <input type="checkbox"/> Located in 100-Year        | <input type="checkbox"/> Previous Fires           |
| 3-22 <input type="checkbox"/> Floodplain                 |   |
| 3-23 <input type="checkbox"/> Present Flood Insurance    | <input type="checkbox"/> Unplatted Easements      |
| 3-24 <input type="checkbox"/> Coverage                   |   |
| 3-25 <input type="checkbox"/> Landfill, Settling, Soil   | <input type="checkbox"/> Subsurface               |
| 3-26 <input type="checkbox"/> Movement, Fault Lines      | <input type="checkbox"/> Structure or Pits        |
| 3-27 <input type="checkbox"/> Single Blockable Main      | <input type="checkbox"/> Previous Use of Premises |
| 3-28 <input type="checkbox"/> Drain in Pool/Hot          | for Manufacture of                                |
| 3-29 <input type="checkbox"/> Tub/Spa*                   | Methamphetamine                                   |
- 3-30 If the answer to any of the above is yes, explain. (Attach  
 3-31 additional sheets if necessary): \_\_\_\_\_  
 3-32 \_\_\_\_\_  
 3-33 \_\_\_\_\_  
 3-34 \*A single blockable main drain may cause a suction entrapment  
 3-35 hazard for an individual.
- 3-36 5. Are you (Seller) aware of any item, equipment, or system in or  
 3-37 on the property that is in need of repair?  Yes (if you are  
 3-38 aware)  No (if you are not aware). If yes, explain (attach  
 3-39 additional sheets as necessary).  
 3-40 \_\_\_\_\_
- 3-41 6. Are you (Seller) aware of any of the following?  
 3-42 Write Yes (Y) if you are aware, write No (N) if you are not aware.
- |  |
|--|
| 3-43 <input type="checkbox"/> Room additions, structural modifications, or other           |
| 3-44 alterations or repairs made without necessary permits or not                          |
| 3-45 in compliance with building codes in effect at that time.                             |
| 3-46 <input type="checkbox"/> Homeowners' Association or maintenance fees or assessments.  |
| 3-47 <input type="checkbox"/> Any "common area" (facilities such as pools, tennis courts,  |
| 3-48 walkways, or other areas) co-owned in undivided interest with                         |
| 3-49 others.   |
| 3-50 <input type="checkbox"/> Any notices of violations of deed restrictions or            |
| 3-51 governmental ordinances affecting the condition or use of the                         |
| 3-52 Property.   |
| 3-53 <input type="checkbox"/> Any lawsuits directly or indirectly affecting the Property.  |
| 3-54 <input type="checkbox"/> Any condition on the Property which materially affects the   |
| 3-55 physical health or safety of an individual.   |
| 3-56 <input type="checkbox"/> Any rainwater harvesting system located on the property that |
| 3-57 is larger than 500 gallons and that uses a public water supply                        |
| 3-58 as an auxiliary water source.   |
| 3-59 <input type="checkbox"/> Any portion of the property that is located in a groundwater |
| 3-60 conservation district or a subsidence district.                                       |
- 3-61 If the answer to any of the above is yes, explain. (Attach  
 3-62 additional sheets if necessary): \_\_\_\_\_  
 3-63 \_\_\_\_\_  
 3-64 \_\_\_\_\_
- 3-65 7. If the property is located in a coastal area that is seaward of  
 3-66 the Gulf Intracoastal Waterway or within 1,000 feet of the mean high  
 3-67 tide bordering the Gulf of Mexico, the property may be subject to

4-1 the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63,  
4-2 Natural Resources Code, respectively) and a beachfront  
4-3 construction certificate or dune protection permit may be required  
4-4 for repairs or improvements. Contact the local government with  
4-5 ordinance authority over construction adjacent to public beaches  
4-6 for more information.

4-7 8. This property may be located near a military installation and  
4-8 may be affected by high noise or air installation compatible use  
4-9 zones or other operations. Information relating to high noise and  
4-10 compatible use zones is available in the most recent Air  
4-11 Installation Compatible Use Zone Study or Joint Land Use Study  
4-12 prepared for a military installation and may be accessed on the  
4-13 Internet website of the military installation and of the county and  
4-14 any municipality in which the military installation is located.

4-15 \_\_\_\_\_  
4-16 Date Signature of Seller  
4-17 The undersigned purchaser hereby acknowledges receipt of the  
4-18 foregoing notice.

4-19 \_\_\_\_\_  
4-20 Date Signature of Purchaser

4-21 SECTION 3. Section 5.008(b), Property Code, as amended by  
4-22 this Act, applies only to a transfer of property that occurs on or  
4-23 after the effective date of this Act. A transfer of property that  
4-24 occurs before the effective date of this Act is governed by the law  
4-25 applicable to the transfer immediately before that date, and the  
4-26 former law is continued in effect for that purpose. For the  
4-27 purposes of this section, a transfer of property occurs before the  
4-28 effective date of this Act if the contract binding the purchaser to  
4-29 purchase the property is executed before that date.

4-30 SECTION 4. This Act takes effect September 1, 2017.

4-31 \* \* \* \* \*