

1-1 By: King of Uvalde (Senate Sponsor - Zaffirini) H.B. No. 4429
 1-2 (In the Senate - Received from the House May 10, 2021;
 1-3 May 12, 2021, read first time and referred to Committee on Local
 1-4 Government; May 22, 2021, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 22, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Menéndez	X			
1-9 Eckhardt	X			
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Paxton			X	
1-14 Springer	X			
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to notice of water and wastewater requirements for the
 1-20 foreclosure sale of residential properties by certain political
 1-21 subdivisions.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Sections 232.0315(a) and (b), Local Government
 1-24 Code, are amended to read as follows:

1-25 (a) This section applies only to a political subdivision
 1-26 [~~county~~] that sells:

1-27 (1) under Section 34.01, Tax Code, real property
 1-28 presumed to be for residential use under Section 232.022; or

1-29 (2) under Section 3, Part VI, Texas Rules of Civil
 1-30 Procedure, and Chapter 34, Civil Practice and Remedies Code, real
 1-31 property presumed to be for residential use under Section 232.022,
 1-32 taken by virtue of a writ of execution.

1-33 (b) A political subdivision [~~county~~] shall include in the
 1-34 public notice of sale of the property and the deed conveying the
 1-35 property a statement substantially similar to the following:

1-36 "THIS SALE IS BEING CONDUCTED PURSUANT TO STATUTORY OR
 1-37 JUDICIAL REQUIREMENTS. BIDDERS WILL BID ON THE RIGHTS, TITLE, AND
 1-38 INTERESTS, IF ANY, IN THE REAL PROPERTY OFFERED.

1-39 "THE PROPERTY IS SOLD AS IS, WHERE IS, AND WITHOUT ANY
 1-40 WARRANTY, EITHER EXPRESS OR IMPLIED. NEITHER THE COUNTY NOR THE
 1-41 SHERIFF'S DEPARTMENT WARRANTS OR MAKES ANY REPRESENTATIONS ABOUT
 1-42 THE PROPERTY'S TITLE, CONDITION, HABITABILITY, MERCHANTABILITY, OR
 1-43 FITNESS FOR A PARTICULAR PURPOSE. BUYERS ASSUME ALL RISKS.

1-44 "IN SOME SITUATIONS, A LOT OF FIVE ACRES OR LESS IS PRESUMED
 1-45 TO BE INTENDED FOR RESIDENTIAL USE. HOWEVER, IF THE PROPERTY LACKS
 1-46 WATER OR WASTEWATER SERVICE, THE PROPERTY MAY NOT QUALIFY FOR
 1-47 RESIDENTIAL USE. A POTENTIAL BUYER WHO WOULD LIKE MORE INFORMATION
 1-48 SHOULD MAKE ADDITIONAL INQUIRIES OR CONSULT WITH PRIVATE COUNSEL."

1-49 SECTION 2. Section 34.01(e), Tax Code, is amended to read as
 1-50 follows:

1-51 (e) A notice of sale under Subsection (c) must substantially
 1-52 comply with this subsection. The notice must include:

1-53 (1) a statement of the authority under which the sale
 1-54 is to be made;

1-55 (2) the date, time, and location of the sale; ~~and~~

1-56 (3) a brief description of the property to be sold; and

1-57 (4) the statement required by Section 232.0315, Local

1-58 Government Code, if the real property subject to the sale is located

1-59 in a county subject to Chapter 232 of that code and is presumed to be

1-60 for residential use under Section 232.022 of that code.

1-61 SECTION 3. The changes in law made by this Act apply only to

2-1 a sale for which public notice is required on or after the effective
2-2 date of this Act. A sale for which public notice is required before
2-3 the effective date of this Act is covered by the law in effect when
2-4 the public notice was provided, and the former law is continued in
2-5 effect for that purpose.

2-6 SECTION 4. This Act takes effect September 1, 2021.

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