

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).

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Range           | <input type="checkbox"/> Oven                     | <input type="checkbox"/> Microwave       |
| <input type="checkbox"/> Dishwasher      | <input type="checkbox"/> Trash Compactor          | <input type="checkbox"/> Disposal        |
| <input type="checkbox"/> Washer/Dryer    | <input type="checkbox"/> Window                   | <input type="checkbox"/> Rain Gutters    |
| <input type="checkbox"/> Hookups         | <input type="checkbox"/> Screens                  |  |
| <input type="checkbox"/> Security System | <input type="checkbox"/> Fire Detection Equipment | <input type="checkbox"/> Intercom System |
|  | <input type="checkbox"/> Smoke Detector           |  |
|  | <input type="checkbox"/> Smoke Detector -         |  |
|  | <input type="checkbox"/> Hearing Impaired         |  |
|  | <input type="checkbox"/> Carbon Monoxide          |  |

- 1 Alarm
- 2  Emergency Escape
- 3  Ladder(s)
- 4  TV Antenna  Cable TV  Satellite
- 5  Ceiling Fan(s)  Wiring  Dish
- 6  Central A/C  Attic Fan(s)  Exhaust
- 7  Central Heating  Fan(s)
- 8  Plumbing System  Central Heating  Wall/Window
- 9  Septic System  Air
- 10  Outdoor Grill  Conditioning
- 11  Sauna  Public Sewer
- 12  Pool Heater  System
- 13  Fireplace(s) &  Fences
- 14  Chimney  Spa
- 15  (Woodburning)  Hot Tub
- 16  Natural Gas Lines  Automatic Lawn
- 17  Liquid Propane Gas:  LP Community  Sprinkler
- 18  (Captive)  System
- 19  Garage:  Attached  Not Attached  Fireplace(s) &
- 20  Garage Door Opener(s):  Electronic  Control(s)
- 21  Water Heater:  Gas  Electric
- 22  Water Supply:  City  Well  MUD  Co-op
- 23  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 | <input type="checkbox"/> Interior Walls              | <input type="checkbox"/> Ceilings               | <input type="checkbox"/> Floors               |
| 23 | <input type="checkbox"/> Exterior Walls              | <input type="checkbox"/> Doors                  | <input type="checkbox"/> Windows              |
| 24 | <input type="checkbox"/> Roof                        | <input type="checkbox"/> Foundation/<br>Slab(s) | <input type="checkbox"/> Basement             |
| 25 |  |   |   |
| 26 | <input type="checkbox"/> Walls/Fences                | <input type="checkbox"/> Driveways              | <input type="checkbox"/> Sidewalks            |
| 27 | <input type="checkbox"/> Plumbing/Sewers/<br>Septics | <input type="checkbox"/> Electrical<br>Systems  | <input type="checkbox"/> Lighting<br>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 | 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 | 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 | Floodplain  |   |
| 21 | <input type="checkbox"/> Present Flood Insurance    | <input type="checkbox"/> Unplatted Easements      |
| 22 | Coverage  |   |
| 23 | <input type="checkbox"/> Landfill, Settling, Soil   | <input type="checkbox"/> Subsurface               |
| 24 | Movement, Fault Lines                               | <input type="checkbox"/> Structure or Pits        |
| 25 | <input type="checkbox"/> Single Blockable Main      | <input type="checkbox"/> Previous Use of Premises |
| 26 | Drain in Pool/Hot                                   | for Manufacture of                                |
| 27 | Tub/Spa*  | 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 or a subsidence district.

23 If the answer to any of the above is yes, explain. (Attach  
24 additional sheets if necessary): \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_

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

1 \_\_\_\_\_  
2 Date Signature of Seller

3 The undersigned purchaser hereby acknowledges receipt of the  
4 foregoing notice.

5 \_\_\_\_\_  
6 Date Signature of Purchaser

7 SECTION 2. Section 5.008(b), Property Code, as amended by  
8 this Act, applies only to a transfer of property that occurs on or  
9 after the effective date of this Act. A transfer of property that  
10 occurs before the effective date of this Act is governed by the law  
11 applicable to the transfer immediately before that date, and the  
12 former law is continued in effect for that purpose. For purposes of  
13 this section, a transfer of property occurs before the effective  
14 date of this Act if the contract binding the purchaser to purchase  
15 the property is executed before that date.

16 SECTION 3. It is the intent of the legislature that Section  
17 5.008(b), Property Code, as amended by this Act, does not:

18 (1) require a seller to disclose that the residential  
19 real property subject to a notice required by that section is  
20 located in a groundwater conservation district or a subsidence  
21 district unless the seller has actual knowledge on the date of the  
22 notice that the real property is located in a groundwater  
23 conservation district or a subsidence district; or

24 (2) create any duty for any person to investigate to  
25 determine if the residential real property is located in a  
26 groundwater conservation district or a subsidence district.

27 SECTION 4. This Act takes effect January 1, 2016.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1221 was passed by the House on April 9, 2015, by the following vote: Yeas 141, Nays 2, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1221 on May 21, 2015, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1221 was passed by the Senate, with amendments, on May 19, 2015, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor