

**REAL ESTATE DISCLOSURE:
TECHNICAL MEMO**

JOINING FORCES

NORTH TEXAS

REAL ESTATE DISCLOSURE

MARCH 2024

INTRODUCTION

**“THE RCC MEETS
QUARTERLY
TO DISCUSS
COMPATIBLE
DEVELOPMENT
TO ENSURE
THE MILITARY
MISSION
AND ALSO
TO IMPROVE
QUALITY OF
LIFE IN THE
COMMUNITIES
SURROUNDING
THE BASE.”**

A recommendation from the 2008 Joint Land Use Study was to pursue real estate disclosure that would alert property buyers to the fact that property near military installations could be in a noise contour or safety zone. The Naval Air Station Joint Reserve Base Fort Worth Regional Coordination Committee is a group formed after the 2008 JLUS that is made up of local officials from cities and the county surrounding the base. The RCC meets quarterly to discuss compatible development to ensure the military mission and also to improve quality of life in the communities surrounding the base. The RCC has taken legislative positions in advance of each session of the Texas Legislature that have included real estate disclosure.

In Texas, residential property owners must complete a seller’s disclosure form when selling existing residential property. This form is maintained by the Texas Real Estate Commission and is included as **Appendix 1**. In 2017, the Texas Legislature passed House Bill 890 (**Appendix 2**), which added the following statement to the seller’s disclosure form:

This property may be located near a military installation and may be affected by high noise or air installation compatible use zones or other operations. Information related to high noise and compatible use zones is available in the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study 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.

HB 890 also required cities and counties in which a military installation is located to post the most recent AICUZ or JLUS to their websites.

IMPLEMENTATION

The 2018 JLUS report recommended that local governments ensure that the required documents were posted to their websites. Project

JOINING FORCES

NORTH TEXAS

staff conducted a review and found that, in general, local governments did not have these documents posted or linked on their websites. Email notices were sent to the RCC Technical Subcommittee members representing each local government with information about HB 890 and suggested text to add to websites, including a link to the most recent JLUS report, hosted on the North Central Texas Council of Governments website. Local governments have begun to add the suggested wording.

ADDITIONAL LEGISLATIVE EFFORTS

As HB 890 began to be implemented, the limitations in the impact began to become clear. HB 890 only applies to sales of existing residential properties. Commercial properties, new home sales, and any rental properties are not subject to the disclosure. In addition, there is no requirement for a seller to check a box to indicate if the property is located near a military installation. The same disclosure is provided on all existing residential property sales, regardless of proximity to a military installation.

The 2018 JLUS report also recommended that legislation be pursued in coordination with the Texas Commanders Council and the Texas Military Preparedness Commission for adding new development and commercial development as part of the military disclosure process. The RCC included this expansion of the real estate disclosure in legislative positions for the 2019 and 2021 legislative sessions, with no additional legislation proposed. There continues to be hesitancy to any expansion of disclosure due to concerns that it could affect the sales price of property. Because there does not appear to be any appetite for expanding the disclosure requirements, the RCC chose not to include this issue in its legislative position for the 2023 session. This will continue to be an issue monitored by project staff.

**REAL ESTATE DISCLOSURE:
APPENDIX 1**

JOINING FORCES

NORTH TEXAS

09-01-2023



APPROVED BY THE TEXAS REAL ESTATE COMMISSION (TREC)



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 Hookups	<input type="checkbox"/> Window Screens	<input type="checkbox"/> Rain Gutters
<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-Hearing Impaired	
	<input type="checkbox"/> Carbon Monoxide Alarm	
	<input type="checkbox"/> Emergency Escape Ladder(s)	
<input type="checkbox"/> TV Antenna	<input type="checkbox"/> Cable TV Wiring	<input type="checkbox"/> Satellite Dish
<input type="checkbox"/> Ceiling Fan(s)	<input type="checkbox"/> Attic Fan(s)	<input type="checkbox"/> Exhaust Fan(s)
<input type="checkbox"/> Central A/C	<input type="checkbox"/> Central Heating	<input type="checkbox"/> Wall/Window Air Conditioning
<input type="checkbox"/> Plumbing System	<input type="checkbox"/> Septic System	<input type="checkbox"/> Public Sewer System
<input type="checkbox"/> Patio/Decking	<input type="checkbox"/> Outdoor Grill	<input type="checkbox"/> Fences
<input type="checkbox"/> Pool	<input type="checkbox"/> Sauna	<input type="checkbox"/> Spa <input type="checkbox"/> Hot Tub
<input type="checkbox"/> Pool Equipment	<input type="checkbox"/> Pool Heater	<input type="checkbox"/> Automatic Lawn Sprinkler System
<input type="checkbox"/> Fireplace(s) & Chimney (Wood burning)		<input type="checkbox"/> Fireplace(s) & Chimney (Mock)
<input type="checkbox"/> Natural Gas Lines		<input type="checkbox"/> Gas Fixtures
<input type="checkbox"/> Liquid Propane Gas:	<input type="checkbox"/> LP Community (Captive)	<input type="checkbox"/> LP on Property
<input type="checkbox"/> Fuel Gas Piping:	<input type="checkbox"/> Black Iron Pipe	<input type="checkbox"/> Corrugated Stainless Steel Tubing <input type="checkbox"/> Copper
Garage: <input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Carport
Garage Door Opener(s):	<input type="checkbox"/> Electronic	<input type="checkbox"/> Control(s)
Water Heater:	<input type="checkbox"/> Gas	<input type="checkbox"/> Electric
Water Supply:	<input type="checkbox"/> City	<input type="checkbox"/> Well <input type="checkbox"/> MUD <input type="checkbox"/> 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? Yes No Unknown. If yes, then describe. (Attach additional sheets if necessary): _____

JOINING FORCES

NORTH TEXAS

Seller's Disclosure Notice Concerning the Property at _____

Page 2

09-01-2023

(Street Address and City)

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 this question 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 the 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.

<input type="checkbox"/> Interior Walls	<input type="checkbox"/> Ceilings	<input type="checkbox"/> Floors
<input type="checkbox"/> Exterior Walls	<input type="checkbox"/> Doors	<input type="checkbox"/> Windows
<input type="checkbox"/> Roof	<input type="checkbox"/> Foundation/Slab(s)	<input type="checkbox"/> Sidewalks
<input type="checkbox"/> Walls/Fences	<input type="checkbox"/> Driveways	<input type="checkbox"/> Intercom System
<input type="checkbox"/> Plumbing/Sewers/Septics	<input type="checkbox"/> Electrical Systems	<input type="checkbox"/> Lighting Fixtures
<input type="checkbox"/> Other Structural Components (Describe): _____		

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

4. Are you (Seller) aware of any of the following conditions? Write Yes (Y) if you are aware, write No (N) if you are not aware.

<input type="checkbox"/> Active Termites (includes wood destroying insects)	<input type="checkbox"/> Previous Structural or Roof Repair
<input type="checkbox"/> Termite or Wood Rot Damage Needing Repair	<input type="checkbox"/> Hazardous or Toxic Waste
<input type="checkbox"/> Previous Termite Damage	<input type="checkbox"/> Asbestos Components
<input type="checkbox"/> Previous Termite Treatment	<input type="checkbox"/> Urea-formaldehyde Insulation
<input type="checkbox"/> Improper Drainage	<input type="checkbox"/> Radon Gas
<input type="checkbox"/> Water Damage Not Due to a Flood Event	<input type="checkbox"/> Lead Based Paint
<input type="checkbox"/> Landfill, Settling, Soil Movement, Fault Lines	<input type="checkbox"/> Aluminum Wiring
<input type="checkbox"/> Single Blockable Main Drain in Pool/Hot Tub/Spa*	<input type="checkbox"/> Previous Fires
	<input type="checkbox"/> Unplatted Easements
	<input type="checkbox"/> Subsurface Structure or Pits
	<input type="checkbox"/> Previous Use of Premises for Manufacture of Methamphetamine

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

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

JOINING FORCES

NORTH TEXAS

Seller's Disclosure Notice Concerning the Property at _____

Page 3

09-01-2023

(Street Address and City)

5. Are you (Seller) aware of any item, equipment, or system in or on the Property that is in need of repair? Yes (if you are aware) No (if you are not aware). If yes, explain (attach additional sheets if necessary): _____

6. Are you (Seller) aware of any of the following conditions? * Write Yes (Y) if you are aware, write No (N) if you are not aware.

Present flood insurance coverage

Previous flooding due to a failure or breach of a reservoir or a controlled or emergency release of water from a reservoir

Previous water penetration into a structure on the property due to a natural flood event

Write Yes (Y) if you are aware, and check wholly or partly as applicable, write No (N) if you are not aware.

Located wholly partly in a 100-year floodplain (Special Flood Hazard Area-Zone A, V, A99, AE, AO, AH, VE, or AR)

Located wholly partly in a 500-year floodplain (Moderate Flood Hazard Area-Zone X (shaded))

Located wholly partly in a floodway

Located wholly partly in a flood pool

Located wholly partly in a reservoir

If the answer to any of the above is yes, explain (attach additional sheets if necessary): _____

*For purposes of this notice:

"100-year floodplain" means any area of land that:

(A) is identified on the flood insurance rate map as a special flood hazard area, which is designated as Zone A, V, A99, AE, AO, AH, VE, or AR on the map;

(B) has a one percent annual chance of flooding, which is considered to be a high risk of flooding; and
(C) may include a regulatory floodway, flood pool, or reservoir.

"500-year floodplain" means any area of land that:

(A) is identified on the flood insurance rate map as a moderate flood hazard area, which is designated on the map as Zone X (shaded); and

(B) has a two-tenths of one percent annual chance of flooding, which is considered to be a moderate risk of flooding.

"Flood pool" means the area adjacent to a reservoir that lies above the normal maximum operating level of the reservoir and that is subject to controlled inundation under the management of the United States Army Corps of Engineers.

"Flood insurance rate map" means the most recent flood hazard map published by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.).

"Floodway" means an area that is identified on the flood insurance rate map as a regulatory floodway, which includes the channel of a river or other watercourse and the adjacent land areas that must be reserved for the discharge of a base flood, also referred to as a 100-year flood, without cumulatively increasing the water surface elevation of more than a designated height.

"Reservoir" means a water impoundment project operated by the United States Army Corps of Engineers that is intended to retain water or delay the runoff of water in a designated surface area of land.

7. Have you (Seller) ever filed a claim for flood damage to the property with any insurance provider, including the National Flood Insurance Program (NFIP)? * Yes No. If yes, explain (attach additional sheets as necessary): _____

*Homes in high risk flood zones with mortgages from federally regulated or insured lenders are required to have flood insurance. Even when not required, the Federal Emergency Management Agency (FEMA) encourages homeowners in high risk, moderate risk, and low risk flood zones to purchase flood insurance that covers the structure(s) and the personal property within the structure(s).

8. Have you (Seller) ever received assistance from FEMA or the U.S. Small Business Administration (SBA) for flood damage to the property? Yes No. If yes, explain (attach additional sheets as necessary): _____

JOINING FORCES

NORTH TEXAS

Seller's Disclosure Notice Concerning the Property at _____

Page 4

09-01-2023

(Street Address and City)

9. Are you (Seller) aware of any of the following? Write Yes (Y) if you are aware, write No (N) if you are not aware.

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

Homeowners' Association or maintenance fees or assessments.

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

Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property.

Any lawsuits directly or indirectly affecting the Property.

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

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

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

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

10. If the property is located in a coastal area that is seaward of the Gulf Intracoastal Waterway or within 1,000 feet of the mean high tide bordering the Gulf of Mexico, the property may be subject to the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63, Natural Resources Code, respectively) and a beachfront construction certificate or dune protection permit maybe required for repairs or improvements. Contact the local government with ordinance authority over construction adjacent to public beaches for more information.
11. This property may be located near a military installation and may be affected by high noise or air installation compatible use zones or other operations. Information relating to high noise and compatible use zones is available in the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study 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.

Signature of Seller Date

Signature of Seller Date

The undersigned purchaser hereby acknowledges receipt of the foregoing notice.

Signature of Purchaser Date

Signature of Purchaser Date



This form was prepared by the Texas Real Estate Commission in accordance with Texas Property Code § 5.008(b) and is to be used in conjunction with a contract for the sale of real property entered into on or after September 1, 2023. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, 512-936-3000 (<http://www.trec.texas.gov>) TREC NO. 55-0. This form replaces OP-H.

**REAL ESTATE DISCLOSURE:
APPENDIX 2**

JOINING FORCES

NORTH TEXAS

H.B. No. 890

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.

JOINING FORCES

NORTH TEXAS

H.B. No. 890

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	<input type="checkbox"/> Hookups	<input type="checkbox"/> Screens	
11	<input type="checkbox"/> Security	<input type="checkbox"/> Fire Detection	<input type="checkbox"/> Intercom
12	<input type="checkbox"/> System	<input type="checkbox"/> Equipment	<input type="checkbox"/> System
13		<input type="checkbox"/> Smoke Detector	
14		<input type="checkbox"/> Smoke Detector -	
15		<input type="checkbox"/> Hearing Impaired	
16		<input type="checkbox"/> Carbon Monoxide	
17		<input type="checkbox"/> Alarm	
18		<input type="checkbox"/> Emergency Escape	
19		<input type="checkbox"/> Ladder(s)	
20	<input type="checkbox"/> TV Antenna	<input type="checkbox"/> Cable TV	<input type="checkbox"/> Satellite
21		<input type="checkbox"/> Wiring	<input type="checkbox"/> Dish
22	<input type="checkbox"/> Ceiling Fan(s)	<input type="checkbox"/> Attic Fan(s)	<input type="checkbox"/> Exhaust
23			<input type="checkbox"/> Fan(s)
24	<input type="checkbox"/> Central A/C	<input type="checkbox"/> Central Heating	<input type="checkbox"/> Wall/Window
25			<input type="checkbox"/> Air
26			<input type="checkbox"/> Conditioning
27	<input type="checkbox"/> Plumbing System	<input type="checkbox"/> Septic System	<input type="checkbox"/> Public Sewer
28			<input type="checkbox"/> 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			<input type="checkbox"/> Sprinkler
34			<input type="checkbox"/> System
35	<input type="checkbox"/> Fireplace(s) &		<input type="checkbox"/> Fireplace(s) &
36	<input type="checkbox"/> Chimney		<input type="checkbox"/> Chimney
37	<input type="checkbox"/> (Woodburning)		<input type="checkbox"/> (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		<input type="checkbox"/> (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

JOINING FORCES

NORTH TEXAS

H.B. No. 890

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

JOINING FORCES

NORTH TEXAS

H.B. No. 890

- 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

JOINING FORCES

NORTH TEXAS

H.B. No. 890

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 ___ Room additions, structural modifications, or other
- 16 alterations or repairs made without necessary permits or not
- 17 in compliance with building codes in effect at that time.
- 18 ___ Homeowners' Association or maintenance fees or assessments.
- 19 ___ Any "common area" (facilities such as pools, tennis courts,
- 20 walkways, or other areas) co-owned in undivided interest with
- 21 others.
- 22 ___ Any notices of violations of deed restrictions or
- 23 governmental ordinances affecting the condition or use of the
- 24 Property.
- 25 ___ Any lawsuits directly or indirectly affecting the Property.
- 26 ___ Any condition on the Property which materially affects the
- 27 physical health or safety of an individual.
- 28 ___ Any rainwater harvesting system located on the property that
- 29 is larger than 500 gallons and that uses a public water supply
- 30 as an auxiliary water source.
- 31 ___ Any portion of the property that is located in a groundwater
- 32 conservation district or a subsidence district.
- 33

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

JOINING FORCES

NORTH TEXAS

H.B. No. 890

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

JOINING FORCES

NORTH TEXAS

H.B. No. 890

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.

JOINING FORCES

NORTH TEXAS

H.B. No. 890

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