

BILL ANALYSIS

Senate Research Center
77R1701 PAM-D

S.B. 775
By: Harris
Business & Commerce
3/15/2001
As Filed

DIGEST AND PURPOSE

Currently, residential subdivisions are being built in proximity to commercial enterprises that may produce smoke, noise, vibration or odors. As proposed, S.B. 775 requires sellers of residential property to disclose to a buyer any unacceptable offenses to a person's senses that may be produced by a commercial enterprise in the area.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 5A, Property Code, by adding Section 5.014, as follows,

Sec. 5.014. SELLER'S DISCLOSURE REGARDING PROXIMITY OF CERTAIN COMMERCIAL ENTERPRISES. (a) Requires a seller of residential real property to give to the purchaser of the property written notice disclosing the location of any commercial enterprise that meets certain criteria.

(b) Requires the seller to deliver the notice on or before the date the executory contract binds the purchaser to purchase the property. Authorizes the notice to be given separately, as part of the contract during negotiations, or as part of any other notice the seller delivers to the purchaser.

(c) Provides that if an executory contract is entered into without the seller providing the notice required by this section, the purchaser may terminate the contract for any reason within the earlier of, seven days after the date the purchaser receives the notice or the date the transfer occurs.

SECTION 2. Effective date: October 1, 2001.
Makes application of this Act prospective.