

- SUBJECT:** Requiring written notice to buyers of property near military installations
- COMMITTEE:** Defense and Veterans' Affairs — committee substitute recommended
- VOTE:** 6 ayes — S. King, Frank, Blanco, Farias, Schaefer, Shaheen
1 nay — Aycock
- WITNESSES:** For — Michael Carpenter, City of Schertz, Texas, Northeast Partnership for Economic Development; Jim Wolverton, Guadalupe County, Alamo Area Council of Governments; Kelly Flanagan, Texas Association of REALTORS; (*Registered, but did not testify:* Seth Mitchell, Bexar County Commissioners Court; TJ Patterson, City of Fort Worth; Jeff Coyle and Robert Murdock, City of San Antonio; Jim Allison, County Judges and Commissioners Association of Texas; Susan Redford, Ector County, Texas; Michael Moore, Greater San Antonio Builders Association, Real Estate Council of San Antonio; Jim Brennan, Texas Coalition of Veterans Organizations; James Cunningham, Texas Coalition of Veterans Organizations, Texas Council of Chapters of the Military Officers Association of America)

Against — None

On — Robin Baldwin and Matthew Isler, 12th Flying Training Wing Joint Base San Antonio, Randolph, TX; (*Registered, but did not testify:* Troy Palmer, 12th Flying Training Wing; Douglas Oldmixon, Texas Real Estate Commission)
- BACKGROUND:** Property Code, sec. 5.008 requires the seller of certain residential property to provide the purchaser with written disclosure regarding various aspects of the property.
- DIGEST:** CSHB 1639 would add a provision to the seller's disclosure notice to make buyers of certain residential property aware that the property could be located near a military installation and could be affected by high noise or air installation compatible use zones or other operations.

The provision would state that information relating to these issues was available in the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study, which could be accessed on the website of the military installation for which the study was prepared and on the websites of the county and municipality in which the military installation was located.

A county and any municipality in which a military installation was located would have to work with the installation to ensure that the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study, or a link to the information, was made publicly available on the local government entity's website.

The bill would take effect September 1, 2015, and a seller would be required to provide the updated notice only for a transfer of property for which the binding contract was executed on or after that date.

**SUPPORTERS
SAY:**

CSHB 1639 would help home buyers near military installations make more informed purchases by informing them of whether a property was located in an area that was prone to high noise levels and military aircraft operations. Aircraft operations taking place at military installations all over the state create sustained noise throughout the year, and increased growth in housing developments has entered into clear zones and accident-potential zones at the ends of runways, placing those communities at greater risk of plane crashes. This bill would increase transparency and consumer protection in the home-buying process and would provide resources to buyers to make a more informed decision about the risks of living near a military installation.

**OPPONENTS
SAY:**

CSHB 1639 is unnecessary because anyone moving into an area near a military installation would be aware of its proximity and the impacts the installation could have on the neighborhood, eliminating the need for the seller's disclosure form to include this information. In fact, many individuals moving into these areas are military members who are aware of the impact of living near an installation.