

- SUBJECT:** Requiring disclosure to purchasers of property near military installations
- COMMITTEE:** Defense and Veterans' Affairs — favorable, without amendment
- VOTE:** 7 ayes — Gutierrez, Blanco, Arévalo, Cain, Flynn, Lambert, Wilson
0 nays
- WITNESSES:** For — Tom Tagliabue, City of Corpus Christi; Tim Brown, San Antonio Board of REALTORS; Kelly Flanagan, Texas Association of Realtors; James Cunningham, Texas Coalition of Veterans Organizations and Texas Council of Chapters of the Military Officers Association of America; (*Registered, but did not testify:* Guadalupe Cuellar, City of El Paso; Jeff Coyle, City of San Antonio; Matthew Geske, Fort Worth Chamber of Commerce; Kelley Shannon, Freedom of Information Foundation of Texas; Matthew Church, Greater Fort Worth Association of Realtors; Juan Antonio Flores, Port San Antonio; Mark Mendez, Tarrant County; Vic Suhm, Tarrant Regional Transportation Coalition; Daniel Gonzalez and Julia Parenteau, Texas Association of REALTORS; Jim Brennan, Texas Coalition of Veterans Organizations; James Cunningham, Texas Coalition of Veterans Organizations and Texas Council of Chapters of the Military Officers Association of America; Monty Wynn, Texas Municipal League; CJ Grisham; Sacha Jacobson)
- Against — None
- On — Patrick McClintock, Joint Base San Antonio; Mike Branum, US Navy, Texas Commanders Council
- BACKGROUND:** Property Code, sec. 5.008 requires a seller of certain residential property to provide the purchaser with a disclosure notice regarding the seller's knowledge of the condition of the property.
- DIGEST:** HB 890 would add to the required provisions in the seller's disclosure notice a section stating that certain 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 section would explain that this information was available in the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study and accessible on the websites of the applicable installation, the county, and any municipality in which the installation was located.

A county or any municipality in which a military installation was located would have to make publicly available on its website the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study applicable to each installation or a link to that information.

The bill would take effect September 1, 2017, and would apply only to a transfer of property that occurred on or after that date.

**SUPPORTERS
SAY:**

HB 890 would help buyers make better, more informed decisions by addressing concerns that sellers do not have a formal mechanism by which to notify buyers that a property could be significantly impacted by high-volume, sustained military operations. The bill would ensure that buyers were aware of these potential circumstances before purchasing property by providing information in the seller disclosure notice and increasing overall transparency in the real estate process.

The bill would require each state-prescribed disclosure notice to include a statement that the property for sale could be near a military installation and would direct the buyer to consult the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study. This would place responsibility on the buyer to research the property, rather than impose additional disclosure requirements on the seller.

The information provided in the disclosure also could be a tool used by communities and developers to promote compatible land use throughout the state. Increasing the transparency in the real estate process could lead to improved relations between the military installation and the community by reducing complaints and litigation regarding nearby military activities and mitigating the impacts of encroachment.

While some home buyers are aware of nearby military installations, those who are new to an area may not be. HB 890 would encourage all such buyers to review a property's proximity to military activities.

OPPONENTS
SAY:

HB 890 is unnecessary because a person buying property near a military installation already would be aware of the installation and any impact from its proximity. Buyers have an interest in knowing whether their properties could be adversely impacted by noise from military aircraft or other operations and would seek information on their own without requiring a statement on the seller's disclosure notice form.

NOTES:

A companion bill, SB 775 by Estes, was considered in a public hearing of the Senate Committee on Business and Commerce on April 4.