

BILL ANALYSIS

Senate Research Center

H.B. 890
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Business & Commerce
8/1/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas has a strong history of support for its local military installations, and communities take great pride in having a military presence in the area. However, close proximity to those facilities can result in consternation on the part of potential property purchasers. Military activity has the potential to cause disruption or issues in nearby areas. For example, aircraft and other machinery may create sustained noise on a daily basis, potentially emitting levels of noise incompatible with certain land uses. There is no mechanism currently in place to alert a potential buyer that the property may be impacted by high-volume or other sustained military operations near military installations. H.B. 890 seeks to address the need for public information regarding such issues to assist potential buyers near military installations in making informed decisions in light of these circumstances.

H.B. 890 would require a county and any municipality in which is located a military installation to work closely with the military installation as necessary to ensure that the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study applicable to each military installation or a link to that information is publicly available on the local governmental entity's website. H.B. 890 would require that a notice disclosing property conditions given by a seller to the purchaser of certain residential real property include notice that the property may be located near a military installation and may be affected by high noise or installation compatible use zones or other operations. The bill also requires such notice to inform the purchaser that 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 website of the military installation and of the county and any municipality in which the military installation is located.

H.B. 890 amends current law relating to providing information to the public and to purchasers of real property regarding the impact of military installations.

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 397, Local Government Code, by adding Section 397.007, as follows:

Sec. 397.007. PUBLIC INFORMATION REGARDING IMPACT OF MILITARY INSTALLATIONS. Requires a county and any municipality in which is located a military installation to work closely with the military installation as necessary to ensure that the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study applicable to each military installation or a link to that information is publicly available on the local governmental entity's Internet website.

SECTION 2. Amends Section 5.008(b), Property Code, to require that the notice be executed and require, at a minimum, that it read substantially similar to a certain amended form that is set forth.

SECTION 3. Makes application of Section 5.008(b), Property Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2017.