

TREC Legislative Update

The following is a revised list of bills that affect persons licensed by the Texas Real Estate Commission. Each bill has a hyperlink to the text of the bill in pdf format.

January 23, 2009

[SB 444](#) by Wentworth - Would prohibit the recording of an instrument conveying real property under a contract for sale if the record did not include the sales price; provides that a purchaser of real property would be liable for a civil penalty of five percent of the sales price if the recorded document did not include the sales price.

[HB 556](#) by Kuempel – Would provide that, in a suit relating to possession of real property under a claim of adverse possession, the person claiming adverse possession pays the costs and attorneys fees of the person claiming possession by record title regardless of who prevails in the suit.

[HB 570](#) by McClendon – Would require disclosure of taxing authorities and territorial boundaries to buyers and tenants in certain parts of highly populated counties

[HB 622](#) by Harless – Would provide for suspension of licenses or certifications for persons knowingly employing persons not lawfully present in the United States (through a complaint process and hearings tribunals at the Workforce Commission).

[HB 690](#) by Solomons - Relating to the right of a tenant to hold a landlord liable for falsely advertised square footage or amenities.

[HB 735](#) by Quintanilla - Would require an individual who is licensed or certified by a state regulatory agency to prominently display the individual's license or certificate number on any document, advertisement, business card, or logo provided to the public.

January 2, 2009

[SB 354](#) by Estes – Provides for required statutory disclosures for persons providing foreclosure consulting services except for certain licensees, including real estate salespersons and brokers. The bill also provides statutory notices and disclosures required to be included in “equity purchase contracts” as defined in the bill.

[HB 371](#) by Jackson – Provides for the dissolution of property owners associations by a process which includes, among other things, circulating a petition signed by a certain number of owners belonging to the association followed by an election.

[HB 372](#) by Jackson – Provide that meetings of property owners associations where membership is

mandatory are subject to the Texas Open Meetings Act, Chapter 552, Gov. Code; would similarly provide that such records are subject to the Texas Public Information Act, Chapter 551, Gov. Code.

HB 210 by Aycock – Similar to the law that makes confidential e-mail addresses of persons who communicate with a state agency; this bill would provide for the confidentiality of the name and physical address of a person who communicates with a governmental body; would provide for exceptions similar to those for e-mail addresses; i.e. addresses on letterhead would not be confidential under the bill.

December 15, 2008

HB 70 by Guillen - Amends the Occupations Code relating to the consideration of applicants for occupational licenses that have criminal conviction issues in their background; creates a presumption that, with few exceptions, after five years from the act leading to a conviction, the matter could no longer be grounds for the denial of a license.

HB 114 by Pickett - Provides for the elimination of the requirement of obtaining fingerprints for new and renewing real estate license applications. Fingerprints are necessary for TREC to obtain FBI background checks.

HB 128 by Solomons - Would require a person applying for an occupational license to provide specific documents to establish their eligibility for employment in the United States.

HB 23 by Leibowitz – Similar to the recent changes to the Seller’s Disclosure Notice, this bill would require a landlord to disclose to a prospective tenant any actual knowledge of the landlord of previous use of the leased premises for the manufacture of methamphetamine.

HB 28 by Leibowitz – Would require a seller of property to give written notice to a buyer indicating whether the seller has received notice from a municipality under Section 43.052, Local Government Code, that the property is included in the municipality’s annexation plan and may be subject to annexation by the municipality.

HB 133 by Villareal – Except as provided by the bill, would require a person that records an instrument conveying real property under a contract for sale to attach a sales price disclosure form as described in the bill.

SB 234 by West – Regarding the sale of real property subject to restrictive covenants, would amend the disclosure required by section 5.012 of the Property Code to provide notification of the buyer’s right to obtain copies of restrictions, bylaws, and a resale certificate from a property owners’ association from the seller; would amend section 207.003 of the Property Code to require that a resale certificate provide, among other things, a statement of all fees associated with the transfer of ownership, including a description of each fee, to whom each fee is paid, and the amount of each fee.

For more information regarding the 81th Regular Session of the Texas Legislature and other pending legislation, the Texas Legislature's website is www.capitol.state.tx.us.