

BILL ANALYSIS

Senate Research Center
81R6905 AJA-D

H.B. 2223
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A Texas homeowner who finds defects in a new home and who works in good faith with the builder in an effort to repair the home is sometimes unable to obtain the necessary repairs or take advantage of the Texas Residential Construction Commission's (TRCC) services. The length of time it takes to work through the process with the builder can extend past the home warranty's expiration date and even past the deadline for filing a complaint with TRCC. Requiring TRCC to send a notice to the homeowner stating the deadlines for requesting TRCC services will give the homeowner information needed to understand the time constraints involved with warranties and TRCC requests. Currently, TRCC is planning to execute such notice requirements using existing funds.

H.B. 2223 requires TRCC, nine months after a builder registers a home with TRCC, to send to the home's record owner a notice that describes the warranty provisions applicable to the home and that informs the owner about the state inspection and dispute resolution process and the deadline for filing a request for relief using that process.

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 409, Property Code, by adding Section 409.005, as follows:

Sec. 409.005. WARRANTY NOTICE. Requires the Texas Residential Construction Commission (TRCC), nine months after the registration of a home under Section 426.003 (Registration of Home), to send to the home's record owner a notice that:

- (1) describes the warranty provisions applicable to the home under Chapter 430 (Warranties and Building and Performance Standards), including the warranty periods; and
- (2) informs the owner that the owner is required to file a request for state inspection and dispute resolution to pursue a civil action for damages or other relief arising from a construction defect, and the request is required to be filed on or before the 90th day after the date the applicable warranty period expires.

SECTION 2. Makes application of Section 409.005, Property Code, as added by this Act, prospective to January 1, 2009.

SECTION 3. Effective date: September 1, 2009.