

***Texas Real Estate Commission
Chapter 537, Professional Agreements and Standard Contracts
Rules Adopted at the October 19, 2009 Meeting***

§537.30 and §537.31

The Texas Real Estate Commission (TREC) adopts amendments to §537.30, Standard Contract Form TREC No. 23-9 (New Home Contract (Incomplete Construction)) and §537.31, Standard Contract Form TREC No. 24-9 (New Home Contract (Complete Construction without changes to the proposed text as published in the September 11, 2009, issue of the *Texas Register* (34 TexReg 6278), which will not be republished. The amendments eliminate from the new home contracts provisions required by the Texas Residential Construction Commission Act (Title 16 of the Texas Property Code) that are no longer appropriate after the September 1, 2009, expiration of the Act. In §§537.30 and .31, Standard Contract Forms TREC Nos. 23-9 and 24-9 are amended to delete from Paragraph 22 the references to the Addendum Containing Required Notices Under §5.016, §420.001 and §420.002, Texas Property Code, which is being repealed. These amendments were adopted on an emergency basis at the August 17, 2009, commission meeting, as published in the September 11, 2009, issue of the Texas Register.

The reasoned justification for the amendments as adopted is consistency between state law and the TREC-promulgated contract forms.

No comments were received regarding the amendments as proposed.

The amendments are adopted under Texas Occupations Code, §1101.155, which authorizes the Texas Real Estate Commission to adopt rules in the public's best interest that require license holders to use contract forms prepared by the Texas Real Estate Broker-Lawyer Committee and adopted by the commission.

The statute affected by this adoption is Texas Occupations Code, Chapter 1101. No other statute, code or article is affected by the adopted amendments.

§537.30. Standard Contract Form TREC No. 23-9.

The Texas Real Estate Commission adopts by reference standard contract form TREC No. 23-9 approved by the Texas Real Estate Commission in 2009 for use in the sale of a new home where construction is incomplete. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, www.trec.state.tx.us.

§537.31. Standard Contract Form TREC No. 24-9.

The Texas Real Estate Commission adopts by reference standard contract form TREC No. 24-9 approved by the Texas Real Estate Commission in 2009 for use in the sale of a new home where construction is completed. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, www.trec.state.tx.us.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin on October 21, 2009.

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