

By: Bailes, et al.

H.B. No. 448

Substitute the following for H.B. No. 448:

By: Thierry

C.S.H.B. No. 448

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the right of landowners to file complaints with the  
3 Texas Real Estate Commission against certain entities regarding  
4 alleged misconduct by the entities while exercising eminent domain  
5 authority and to the creation of an ombudsman office for  
6 landowners.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Section 402.031(b), Government Code, is amended  
9 to read as follows:

10 (b) The landowner's bill of rights must notify each property  
11 owner that the property owner has the right to:

12 (1) notice of the proposed acquisition of the owner's  
13 property;

14 (2) a bona fide good faith effort to negotiate by the  
15 entity proposing to acquire the property;

16 (3) an assessment of damages to the owner that will  
17 result from the taking of the property;

18 (4) a hearing under Chapter 21, Property Code,  
19 including a hearing on the assessment of damages; ~~and~~

20 (5) an appeal of a judgment in a condemnation  
21 proceeding, including an appeal of an assessment of damages; and

22 (6) file a written complaint with the ombudsman office  
23 established by the Texas Real Estate Commission under Section  
24 1101.207, Occupations Code, regarding alleged misconduct by a

1 representative of the entity while exercising the entity's eminent  
2 domain authority.

3 SECTION 2. Section 81.0591, Natural Resources Code, is  
4 amended by adding Subsection (d) to read as follows:

5 (d) If an entity that proposes to acquire property through  
6 the use of the entity's eminent domain authority under Chapter 21,  
7 Property Code, is regulated by the commission, the property owner  
8 may file a written complaint with the ombudsman office established  
9 by the Texas Real Estate Commission under Section 1101.207,  
10 Occupations Code, regarding alleged misconduct by a representative  
11 of the entity while exercising that authority.

12 SECTION 3. Subchapter E, Chapter 1101, Occupations Code, is  
13 amended by adding Section 1101.207 to read as follows:

14 Sec. 1101.207. OMBUDSMAN OFFICE FOR LANDOWNERS. (a) The  
15 commission shall establish an ombudsman office within the  
16 commission for the purpose of receiving complaints from and  
17 providing information to landowners whose real property may be  
18 acquired by a governmental or private entity through the use of the  
19 entity's eminent domain authority.

20 (b) The executive director of the commission shall select  
21 the ombudsman.

22 (c) The commission shall publish on the commission's  
23 Internet website a form to be used to file complaints with the  
24 ombudsman.

25 (d) A landowner may file a complaint under this section  
26 against an entity for the alleged misconduct of the entity's  
27 representative. The landowner filing the complaint must provide

1 proof of ownership of the tract of land the entity seeks to obtain  
2 through the use of eminent domain authority. In this subsection,  
3 "misconduct" means an intentional action that:

4 (1) misrepresents to the landowner:

5 (A) the landowner's rights;

6 (B) the entity's power to condemn;

7 (C) the intended use of the property; or

8 (D) the condemnation process; or

9 (2) constitutes criminal trespass under Section  
10 30.05, Penal Code.

11 (e) The ombudsman shall provide information to and answer  
12 questions from landowners described by Subsection (a), through the  
13 commission's Internet website and a toll-free telephone number  
14 established by the ombudsman, regarding:

15 (1) the landowner's bill of rights prepared by the  
16 attorney general under Section 402.031, Government Code; and

17 (2) the procedures for acquiring real property through  
18 the use of eminent domain authority under Chapter 21, Property  
19 Code, or other law.

20 (f) Personal information obtained by the ombudsman office  
21 is confidential and is treated in the same manner as information is  
22 treated under Section 1101.2051.

23 SECTION 4. (a) The office of the attorney general shall  
24 make the landowner's bill of rights statement required by Section  
25 402.031, Government Code, as amended by this Act, available on the  
26 attorney general's Internet website not later than December 1,  
27 2021.

1           (b) Not later than December 1, 2021, the Texas Real Estate  
2 Commission shall:

3                   (1) establish an ombudsman office for landowners as  
4 required by Section 1101.207, Occupations Code, as added by this  
5 Act; and

6                   (2) adopt rules necessary to implement that section.

7           SECTION 5. (a) Except as provided by Subsection (b) of  
8 this section, this Act takes effect January 1, 2022.

9           (b) Section 4 of this Act takes effect September 1, 2021.