

AN ACT

relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity.

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

SECTION 1. Section 21.101, Property Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) In this section, "actual progress" means the completion of three [~~two~~] or more of the following actions:

(1) the performance of a significant amount of labor to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(2) the provision of a significant amount of materials to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(3) the hiring of or contracting with and the performance of a significant amount of work by an architect, engineer, or surveyor to prepare a plan, ~~or~~ plat, or easement that includes the property or other property acquired for the same public use project for which the property owner's property was acquired;

1 (4) application for state or federal funds to develop
2 the property or other property acquired for the same public use
3 project for which the property owner's property was acquired; or

4 (5) application for a state or federal permit or
5 certificate to develop the property or other property acquired for
6 the same public use project for which the property owner's property
7 was acquired.

8 (b-1) Notwithstanding Subsection (b), a navigation district
9 or port authority, or a water district implementing a project
10 included in the state water plan adopted by the Texas Water
11 Development Board, may establish actual progress for purposes of
12 this section by:

13 (1) the completion of one action described by
14 Subsection (b); and

15 (2) [~~, (6) the acquisition of a tract or parcel of real~~
16 ~~property adjacent to the property for the same public use project~~
17 ~~for which the owner's property was acquired; or~~

18 [~~(7) for a governmental entity,~~] the adoption by a
19 majority of the entity's governing body at a public hearing of a
20 development plan for a public use project that indicates that the
21 entity will not complete more than one action described by
22 Subsection (b) [~~Subdivisions (1)-(6)~~] before the 10th anniversary
23 of the date of acquisition of the property.

24 SECTION 2. Section [21.101](#), Property Code, as amended by
25 this Act, applies only to a real property interest acquired in
26 connection with a condemnation proceeding in which the petition is
27 filed on or after the effective date of this Act. A real property

1 interest acquired in connection with a condemnation proceeding in
2 which the petition is filed before the effective date of this Act is
3 governed by the law in effect immediately before that date, and that
4 law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 726 passed the Senate on
April 20, 2021, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

I hereby certify that S.B. No. 726 passed the House on
May 6, 2021, by the following vote: Yeas 112, Nays 30, three
present not voting.

Chief Clerk of the House

Approved:

Date

Governor