

By: King of Hemphill

H.B. No. 2284

A BILL TO BE ENTITLED

AN ACT

relating to the right to repurchase certain real property from a
condemning entity after a change to the use of the property.

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

SECTION 1. Section 21.101(a), Property Code, is amended to
read as follows:

(a) A person from whom a real property interest is acquired
by an entity through eminent domain for a public use, or that
person's heirs, successors, or assigns, is entitled to repurchase
the property as provided by this subchapter if:

(1) the public use for which the property was acquired
through eminent domain is canceled before the property is used for
that public use;

(2) no actual progress is made toward the public use
for which the property was acquired between the date of acquisition
and the 10th anniversary of that date; ~~or~~

(3) the property becomes unnecessary for the public
use for which the property was acquired, or a substantially similar
public use, before the 10th anniversary of the date of acquisition;
or

(4) the use of the property is changed from the public
use for which the property was initially acquired to any other use
during the lifetime of:

(A) the person from whom the property was

1 acquired; or

2 (B) a person who is related within three
3 generations by blood, marriage, or adoption to the person from whom
4 the property was acquired.

5 SECTION 2. Section 21.102, Property Code, is amended to
6 read as follows:

7 Sec. 21.102. NOTICE TO PREVIOUS PROPERTY OWNER REQUIRED.
8 Not later than the 180th day after the date an entity that acquired
9 a real property interest through eminent domain determines that the
10 former property owner, or the owner's heirs, successors, or
11 assigns, is or may be entitled to repurchase the property under
12 Section 21.101, the entity shall send by certified mail, return
13 receipt requested, to the property owner or the owner's heirs,
14 successors, or assigns a notice containing:

15 (1) an identification, which is not required to be a
16 legal description, of the property that was acquired;

17 (2) an identification of the public use for which the
18 property had been acquired and a statement that:

19 (A) the public use was canceled before the
20 property was used for the public use;

21 (B) no actual progress was made toward the public
22 use; ~~or~~

23 (C) the property became unnecessary for the
24 public use, or a substantially similar public use, before the 10th
25 anniversary of the date of acquisition; or

26 (D) the use of the property was changed from the
27 public use for which the property was initially acquired to any

1 other use; and

2 (3) a description of the person's right under this
3 subchapter to repurchase the property.

4 SECTION 3. Section 21.1021(a), Property Code, is amended to
5 read as follows:

6 (a) On or after the 10th anniversary of the date on which
7 real property was acquired by an entity through eminent domain, a
8 property owner or the owner's heirs, successors, or assigns may
9 request that the condemning entity make a determination and provide
10 a statement and other relevant information regarding:

11 (1) whether the public use for which the property was
12 acquired was canceled before the property was used for the public
13 use;

14 (2) whether any actual progress was made toward the
15 public use between the date of acquisition and the 10th anniversary
16 of that date, including an itemized description of the progress
17 made, if applicable; ~~and~~

18 (3) whether the property became unnecessary for the
19 public use, or a substantially similar public use, before the 10th
20 anniversary of the date of acquisition; and

21 (4) whether, between the date of acquisition and the
22 date of the request, the use of the property was changed from the
23 public use for which the property was acquired to any other use.

24 SECTION 4. Section 21.103(a), Property Code, is amended to
25 read as follows:

26 (a) Not later than the 180th day after the date of the
27 postmark on a notice sent under Section 21.102 or a response to a

1 request made under Section 21.1021 that indicates that the property
2 owner, or the owner's heirs, successors, or assigns, is or may be
3 entitled to repurchase the property interest in accordance with
4 Section 21.101, the property owner or the owner's heirs,
5 successors, or assigns must notify the entity of the person's
6 intent to repurchase the property interest under this subchapter.

7 SECTION 5. The changes in law made by this Act apply only to
8 a real property interest acquired in connection with a condemnation
9 proceeding in which the petition is filed on or after the effective
10 date of this Act. A real property interest acquired in connection
11 with a condemnation proceeding in which the petition is filed
12 before the effective date of this Act is governed by the law in
13 effect immediately before that date, and that law is continued in
14 effect for that purpose.

15 SECTION 6. This Act takes effect September 1, 2023.