

By: Moody

H.B. No. 2628

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the resale price of real property repurchased from a
3 condemning entity by a previous owner or the owner's heirs,
4 successors, or assigns.

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

6 SECTION 1. Section [21.103](#), Property Code, is amended by
7 amending Subsection (b) and adding Subsections (c) and (d) to read
8 as follows:

9 (b) As soon as practicable after receipt of a notice of
10 intent to repurchase under Subsection (a), the entity shall offer
11 to sell the property interest to the person for the amount the
12 entity was ordered to pay the owner for the property interest in the
13 final judgment in the condemnation proceeding through which the
14 entity acquired the property interest [~~price paid to the owner by~~
15 ~~the entity at the time the entity acquired the property through~~
16 ~~eminent domain~~].

17 (c) The amount of an entity's offer to sell under Subsection
18 (b) may not include any amount:

19 (1) awarded by the court and paid by the entity to the
20 property owner:

21 (A) as costs or fees under Section [21.047](#);

22 (B) for damages to the property resulting from
23 the entity's temporary possession of the property under Section
24 [21.044](#); or

1 (C) to account for, if applicable:

2 (i) the effect of the condemnation of the
3 property interest on the value of the property owner's remaining
4 property, as described by Section 21.042(c); or

5 (ii) the market value of groundwater rights
6 as property apart from the property owner's other real property at
7 the time of the hearing, as described by Section 21.0421(c)(2);

8 (2) expressly paid or reasonably understood to have
9 been paid by the entity to the property owner as consideration to
10 avoid litigation by the property owner; or

11 (3) otherwise paid by the entity to the property owner
12 for a purpose other than to compensate the owner for the value of
13 the interest acquired.

14 (d) The person's right to repurchase the property expires on
15 the 90th day after the date on which the entity makes the offer.

16 SECTION 2. (a) A person entitled to repurchase a property
17 interest under Subchapter E, Chapter 21, Property Code, who gave a
18 notice of intent to repurchase the property interest under Section
19 21.103(a), Property Code, before the effective date of this Act is
20 entitled to repurchase the property interest for an amount that
21 does not exceed the amount described by Section 21.103(b), Property
22 Code, as amended by this Act, regardless of whether the person
23 received or accepted an offer made under that section before the
24 effective date of this Act, if the repurchase of the property
25 interest was not completed before the effective date of this Act.

26 (b) Except as provided by Subsection (c) of this section, as
27 soon as practicable after the effective date of this Act, an entity

1 that has made or is required to make an offer under Section 21.103,
2 Property Code, to a person described by Subsection (a) of this
3 section shall make an offer to sell the property interest to the
4 person at the amount described by Section 21.103(b), Property Code,
5 as amended by this Act. The person's right to repurchase the
6 property interest expires on the 90th day after the date on which
7 the entity makes the offer under this subsection.

8 (c) An entity is not required to make an offer under
9 Subsection (b) of this section if, before the effective date of this
10 Act, the entity made an offer to sell the property interest to the
11 person for an amount that does not exceed the amount described by
12 Section 21.103(b), Property Code, as amended by this Act.

13 SECTION 3. This Act takes effect September 1, 2023.