

By: Callegari

H.B. No. 1495

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a bill of rights for property owners whose property may  
3 be acquired by governmental or private entities through the use of  
4 eminent domain authority.

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

6 SECTION 1. This Act may be cited as the Landowner's Bill of  
7 Rights Act.

8 SECTION 2. Subchapter B, Chapter 402, Government Code, is  
9 amended by adding Section 402.031 to read as follows:

10 Sec. 402.031. PREPARATION OF LANDOWNER'S BILL OF RIGHTS  
11 STATEMENT. (a) The attorney general shall prepare a written  
12 statement that includes a bill of rights for a property owner whose  
13 real property may be acquired by a governmental or private entity  
14 through the use of the entity's eminent domain authority under  
15 Chapter 21, Property Code.

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

18 (1) notice of the proposed acquisition of the owner's  
19 property;

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

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

24 (4) a hearing under Chapter 21, Property Code,

1 including a hearing on the assessment of damages; and

2 (5) an appeal of a judgment in a condemnation  
3 proceeding, including an appeal of an assessment of damages.

4 (c) The statement must include:

5 (1) the title, "Landowner's Bill of Rights"; and

6 (2) a description of:

7 (A) the condemnation procedure provided by  
8 Chapter 21, Property Code;

9 (B) the condemning entity's obligations to the  
10 property owner; and

11 (C) the property owner's options during a  
12 condemnation, including the property owner's right to object to and  
13 appeal an amount of damages awarded.

14 (d) The office of the attorney general shall:

15 (1) write the statement in plain language designed to  
16 be easily understood by the average property owner; and

17 (2) make the statement available on the attorney  
18 general's Internet website.

19 SECTION 3. Subchapter B, Chapter 21, Property Code, is  
20 amended by adding Section 21.0112 to read as follows:

21 Sec. 21.0112. PROVISION OF LANDOWNER'S BILL OF RIGHTS  
22 STATEMENT REQUIRED. (a) At least four weeks before the date a  
23 governmental or private entity with eminent domain authority  
24 intends to begin negotiating with a property owner to acquire real  
25 property, the entity must send a landowner's bill of rights  
26 statement provided by Section 402.031, Government Code, by  
27 certified mail, return receipt requested, to the person in whose

1 name the property is listed on the most recent tax roll of any  
2 appropriate taxing unit authorized by law to levy property taxes  
3 against the property.

4 (b) The statement must be:

5 (1) printed in an easily readable font and type size;  
6 and

7 (2) if the entity is a governmental entity, made  
8 available on the Internet website of the entity, if technologically  
9 feasible.

10 (c) Subsection (a) does not apply to the exercise of eminent  
11 domain authority by a private utility.

12 SECTION 4. Section 21.012(b), Property Code, is amended to  
13 read as follows:

14 (b) The petition must:

15 (1) describe the property to be condemned;

16 (2) state the purpose for which the entity intends to  
17 use the property;

18 (3) state the name of the owner of the property if the  
19 owner is known; ~~and~~

20 (4) state that the entity and the property owner are  
21 unable to agree on the damages; and

22 (5) if applicable, state that the entity provided the  
23 property owner with the landowner's bill of rights statement in  
24 accordance with Section 21.0112.

25 SECTION 5. The office of the attorney general shall prepare  
26 the landowner's bill of rights statement required by Section  
27 402.031, Government Code, as added by this Act, not later than

1 August 31, 2007.

2 SECTION 6. The changes in law made by this Act apply only to  
3 a condemnation proceeding in which the petition is filed on or after  
4 the effective date of this Act and to any property condemned through  
5 the proceeding. A condemnation proceeding in which the petition is  
6 filed before the effective date of this Act and any property  
7 condemned through the proceeding is governed by the law in effect  
8 immediately before that date, and that law is continued in effect  
9 for that purpose.

10 SECTION 7. This Act takes effect September 1, 2007.