

By: Corte

H.B. No. 37

A BILL TO BE ENTITLED

AN ACT

relating to certain municipal development programs involving areas having characteristics of blight or a slum.

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

SECTION 1. Section 373.006, Local Government Code, is amended to read as follows:

Sec. 373.006. REQUIRED PROCEDURES BEFORE ADOPTION OF COMMUNITY DEVELOPMENT PROGRAM. Before exercising powers under Section 373.005, the governing body of the municipality must:

(1) identify areas of the municipality in which predominantly low and moderate income persons reside, each unit of real property in the municipality that has the characteristics of blight ~~[are blighted]~~ or a slum, and each ~~[areas or that are]~~ federally assisted new community in the municipality ~~[communities]~~;

(2) establish community development program areas in which community development activities, building rehabilitation, or the acquisition of privately owned buildings or land is proposed;

(3) adopt, by resolution or ordinance, a plan under which citizens may publicly comment on the proposed community development program;

(4) conduct public hearings on the proposed program before the 15th day before the date of its final adoption by the

1 governing body; and

2 (5) adopt the community development program by  
3 resolution or ordinance.

4 SECTION 2. Section 373.007, Local Government Code, is  
5 amended by adding Subsection (c) to read as follows:

6 (c) Notwithstanding any other law, a municipality may not  
7 exercise the right of eminent domain to acquire property for the  
8 purposes of this chapter unless the condition of the property is an  
9 immediate threat to public health and safety.

10 SECTION 3. Sections 374.003(3) and (19), Local Government  
11 Code, are amended to read as follows:

12 (3) "Blight" [~~"Blighted area"~~] means a condition of  
13 property [~~an area~~] that is not considered a characteristic of a slum  
14 [~~area~~], but that, because of deteriorating buildings, structures,  
15 or other improvements; defective or inadequate streets, street  
16 layout, or accessibility; unsanitary conditions; or other  
17 hazardous conditions, adversely affects the public health, safety,  
18 morals, or welfare of the municipality and its residents,  
19 substantially retards the provision of a sound and healthful  
20 housing environment, or results in an economic or social liability  
21 to the municipality. The term includes property in an area  
22 certified as a disaster area as provided by Section 374.903.

23 (19) "Slum [~~area~~]" means an area within a municipality  
24 that is detrimental to the public health, safety, morals, and  
25 welfare of the municipality because of [~~the area~~]:

26 (A) [~~has~~] a predominance of buildings or other  
27 improvements that are dilapidated, deteriorated, or obsolete due to

1 age or other reasons;

2 (B) [~~is prone to~~] high population densities and  
3 overcrowding due to inadequate provision for open space;

4 (C) [~~is composed of~~] open land that, because of  
5 its location within municipal limits, is necessary for sound  
6 community growth through replatting, planning, and development for  
7 predominantly residential uses; or

8 (D) [~~has~~] conditions that exist due to any of the  
9 causes enumerated in Paragraphs (A)-(C) or any combination of those  
10 causes that:

11 (i) endanger life or property by fire or  
12 other causes; or

13 (ii) are conducive to:

14 (a) the ill health of the residents;

15 (b) disease transmission;

16 (c) abnormally high rates of infant  
17 mortality;

18 (d) abnormally high rates of juvenile  
19 delinquency and crime; or

20 (e) disorderly development because of  
21 inadequate or improper platting for adequate residential  
22 development of lots, streets, and public utilities.

23 SECTION 4. Section 374.011, Local Government Code, is  
24 amended by adding Subsection (d) to read as follows:

25 (d) The governing body of the municipality must determine  
26 that each unit of real property included in a resolution under  
27 Subsection (a) has the characteristics of blight or a slum.

1 SECTION 5. Section 374.012(c), Local Government Code, is  
2 amended to read as follows:

3 (c) The resolution ordering the election and the notice of  
4 the election must contain:

5 (1) a complete legal description of each unit of  
6 property [~~the area~~] included in the proposed project;

7 (2) a statement of the nature of the proposed project;  
8 [~~and~~]

9 (3) a statement of the total amount of local funds to  
10 be spent on the proposed project; and

11 (4) a statement that each unit of property has the  
12 characteristics of blight or a slum.

13 SECTION 6. Subchapter B, Chapter 374, Local Government  
14 Code, is amended by adding Section 374.018 to read as follows:

15 Sec. 374.018. LIMITATION ON RIGHT OF EMINENT DOMAIN.  
16 Notwithstanding any other law, a municipality may not exercise the  
17 right of eminent domain to acquire property for the purposes of this  
18 chapter unless the condition of the property is an immediate threat  
19 to public health and safety.

20 SECTION 7. The change in law made by this Act applies only  
21 to the taking of property for which a condemnation petition is filed  
22 on or after the effective date of this Act. The taking of property  
23 for which a condemnation petition is filed before the effective  
24 date of this Act is governed by the law in effect immediately before  
25 that date, and that law is continued in effect for that purpose.

26 SECTION 8. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 37

1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2009.