

By: Eiland, Guillen

H.B. No. 2450

A BILL TO BE ENTITLED

AN ACT

relating to a determination of home ownership by the Texas Department of Housing and Community Affairs following a disaster.

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

SECTION 1. Subchapter H, Chapter 2306, Government Code, is amended by adding Section 2306.188 to read as follows:

Sec. 2306.188. ESTABLISHING HOME OWNERSHIP IN DISASTER AREA. (a) An applicant for federally provided financial assistance administered by the department to repair or rebuild a home damaged by a natural disaster may establish ownership of the home through nontraditional documentation of title. The department shall process an application for that assistance as if the applicant is the record title holder of the affected real property if the applicant provides to the department:

(1) on a form prescribed by the department, an affidavit summarizing the basis on which the applicant claims to be the holder of record title or, if applicable, a successor in interest to the holder of record title and stating that:

(A) there is no other person entitled to claim any ownership interest in the property; or

(B) each person who may be entitled to claim an ownership interest in the property has given consent to the application or cannot be located after a reasonable effort; and

(2) other documentation, including tax receipts,

1 utility bills, or evidence of insurance for the home, that  
2 indicates that the applicant exercised ownership over the property  
3 at the time of the natural disaster.

4 (b) This section does not establish record ownership or  
5 otherwise alter legal ownership of real property.

6 (c) The department is not liable to any claimed owner of an  
7 interest in real property for administering financial assistance as  
8 permitted by this section.

9 SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2009.