

BILL ANALYSIS

H.B. 365
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Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Like other areas, many parts of Houston are plagued with abandoned condominium units and apartment complexes and, with the housing and real estate market bust, this problem will almost surely continue to grow throughout Texas. After such a property is abandoned for any significant amount of time, it often becomes a haven for homelessness, prostitution, violent crime, and illicit drug activity. The property becomes a liability to the neighboring property owners, reduces property values, and endangers the health and public safety of the neighborhood in which it is located.

Abandoned apartment complexes are a serious problem in Houston and elsewhere, and there is no compelling reason not to smooth a municipality's path to condemning long-abandoned property so that it may be returned to economic viability. The purpose of H.B. 365, as part of an ongoing effort to help large cities such as Houston deal with abandoned apartment complexes, clean up neighborhoods, and revitalize communities, is to allow the use of eminent domain to acquire apartment complexes not lawfully occupied for an extended time period.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 365 amends the Local Government Code to authorize a municipality with a population of more than 1.9 million to take a multi-family rental building through the use of eminent domain if all lawful occupation of or construction activity for the building has ceased, or reasonably appears to have ceased, for more than 365 consecutive days and the taking is for the elimination of urban blight on the particular parcel of property on which the building is located. The bill provides for the meaning of "multi-family rental building" by reference.

H.B. 365 amends the Government Code to make a conforming change to the prohibition against using eminent domain to take private property for economic development purposes.

EFFECTIVE DATE

September 1, 2011.