

By: Turner, Bohac

H.B. No. 365

A BILL TO BE ENTITLED

AN ACT

relating to the use of eminent domain authority by certain municipalities to take abandoned multi-family rental buildings.

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

SECTION 1. Section 2206.001, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Subsection (b)(3) does not prohibit the taking of private property through the use of eminent domain for economic development purposes if the economic development is a secondary purpose resulting from the elimination of urban blight under Subchapter J, Chapter 214, Local Government Code. This subsection expires December 31, 2016.

SECTION 2. Chapter 214, Local Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. EMINENT DOMAIN AUTHORITY OF CERTAIN MUNICIPALITIES TO TAKE ABANDONED MULTI-FAMILY RENTAL BUILDINGS

Sec. 214.401. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a municipality with a population of more than 1.9 million.

Sec. 214.402. DEFINITION. In this subchapter, "multi-family rental building" has the meaning assigned by Section 214.219.

Sec. 214.403. EMINENT DOMAIN AUTHORITY. A municipality may take a multi-family rental building through the use of eminent

1 domain for the purpose of the elimination of urban blight if a tract
2 or unit of real property on which the multi-family rental building
3 sits presents the following conditions for at least one year after
4 the date on which notice of the conditions is reasonably attempted
5 to be provided to the property owner:

6 (1) all lawful occupation of or construction activity
7 for the building has ceased;

8 (2) the property contains uninhabitable, unsafe, and
9 unsanitary units that are not fit for their intended use because the
10 utilities, sewerage, plumbing, or heating or a similar service or
11 facility of the units has been destroyed, removed, or rendered
12 ineffective; and

13 (3) the property has been the location of
14 substantiated and repeated illegal activity of which the property
15 owner knew or should have known.

16 Sec. 214.404. EXPIRATION OF SUBCHAPTER. This subchapter
17 expires December 31, 2016.

18 SECTION 3. The change in law made by this Act applies only
19 to a condemnation proceeding in which the condemnation petition is
20 filed on or after the effective date of this Act and to any property
21 condemned through the proceeding. A condemnation proceeding in
22 which the condemnation petition is filed before the effective date
23 of this Act and any property condemned through the proceeding are
24 governed by the law in effect immediately before the effective date
25 of this Act, and that law is continued in effect for that purpose.

26 SECTION 4. This Act takes effect September 1, 2011.