

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(b), Government Code, is amended to read as follows:

(b) A governmental or private entity may not take private property through the use of eminent domain if the taking:

(1) confers a private benefit on a particular private party through the use of the property;

(2) is for a public use that is merely a pretext to confer a private benefit on a particular private party; or

(3) is for economic development purposes, unless the economic development is a secondary purpose resulting from:

(A) municipal community development or municipal urban renewal activities to eliminate an existing affirmative harm on society from slum or blighted areas under:

(i) ~~[(A)]~~ Chapter 373 or 374, Local Government Code, other than an activity described by Section 373.002(b)(5), Local Government Code; or

(ii) ~~[(B)]~~ Section 311.005(a)(1)(I), Tax Code; or

(B) the elimination of urban blight under Subchapter J, Chapter 214, Local Government Code.

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

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

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

8 Sec. 214.402. DEFINITION. In this subchapter,  
9 "multi-family rental building" has the meaning assigned by Section  
10 214.219.

11 Sec. 214.403. EMINENT DOMAIN AUTHORITY. A municipality may  
12 take a multi-family rental building through the use of eminent  
13 domain if:

14 (1) all lawful occupation of or construction activity  
15 for the building has ceased, or reasonably appears to have ceased,  
16 for more than 365 consecutive days; and

17 (2) the taking is for the elimination of urban blight  
18 on the particular parcel of property on which the building is  
19 located.

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

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