

1-1 By: Turner, Bohac (Senate Sponsor - Ellis) H.B. No. 365  
1-2 (In the Senate - Received from the House April 14, 2011;  
1-3 April 26, 2011, read first time and referred to Committee on State  
1-4 Affairs; May 17, 2011, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 17, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the use of eminent domain authority by certain  
1-9 municipalities to take abandoned multi-family rental buildings.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 2206.001, Government Code, is amended by  
1-12 adding Subsection (b-1) to read as follows:

1-13 (b-1) Subsection (b)(3) does not prohibit the taking of  
1-14 private property through the use of eminent domain for economic  
1-15 development purposes if the economic development is a secondary  
1-16 purpose resulting from the elimination of urban blight under  
1-17 Subchapter J, Chapter 214, Local Government Code. This subsection  
1-18 expires December 31, 2016.

1-19 SECTION 2. Chapter 214, Local Government Code, is amended  
1-20 by adding Subchapter J to read as follows:

1-21 SUBCHAPTER J. EMINENT DOMAIN AUTHORITY OF CERTAIN MUNICIPALITIES TO  
1-22 TAKE ABANDONED MULTI-FAMILY RENTAL BUILDINGS

1-23 Sec. 214.401. APPLICABILITY OF SUBCHAPTER. This subchapter  
1-24 applies only to a municipality with a population of more than 1.9  
1-25 million.

1-26 Sec. 214.402. DEFINITION. In this subchapter,  
1-27 "multi-family rental building" has the meaning assigned by Section  
1-28 214.219.

1-29 Sec. 214.403. EMINENT DOMAIN AUTHORITY. A municipality may  
1-30 take a multi-family rental building through the use of eminent  
1-31 domain for the purpose of the elimination of urban blight if a tract  
1-32 or unit of real property on which the multi-family rental building  
1-33 sits presents the following conditions for at least one year after  
1-34 the date on which notice of the conditions is reasonably attempted  
1-35 to be provided to the property owner:

1-36 (1) all lawful occupation of or construction activity  
1-37 for the building has ceased;

1-38 (2) the property contains uninhabitable, unsafe, and  
1-39 unsanitary units that are not fit for their intended use because the  
1-40 utilities, sewerage, plumbing, or heating or a similar service or  
1-41 facility of the units has been destroyed, removed, or rendered  
1-42 ineffective; and

1-43 (3) the property has been the location of  
1-44 substantiated and repeated illegal activity of which the property  
1-45 owner knew or should have known.

1-46 Sec. 214.404. EXPIRATION OF SUBCHAPTER. This subchapter  
1-47 expires December 31, 2016.

1-48 SECTION 3. The change in law made by this Act applies only  
1-49 to a condemnation proceeding in which the condemnation petition is  
1-50 filed on or after the effective date of this Act and to any property  
1-51 condemned through the proceeding. A condemnation proceeding in  
1-52 which the condemnation petition is filed before the effective date  
1-53 of this Act and any property condemned through the proceeding are  
1-54 governed by the law in effect immediately before the effective date  
1-55 of this Act, and that law is continued in effect for that purpose.

1-56 SECTION 4. This Act takes effect September 1, 2011.

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