

House Bill 364
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 I, Chapter 214, Local Government Code. This subsection expires December 31, 2016.

SECTION 2. The heading to Section 82.118, Property Code, is amended to read as follows:

Sec. 82.118. SERVICE OF PROCESS ON UNIT OWNERS IN CERTAIN MUNICIPALITIES; CHANGE OF ADDRESS REQUIRED.

SECTION 3. Section 82.118, Property Code, is amended by adding Subsection (c) to read as follows:

(c) Not later than the 90th day after the date a unit owner changes the unit owner's mailing address, the owner must provide written notice of the owner's new address to the appraisal district in which the condominium is located.

SECTION 4. Section 82.153(a), Property Code, is amended to read as follows:

(a) A condominium information statement must contain or accurately disclose:

- (1) the name and principal address of the declarant and of the condominium;
- (2) a general description of the condominium that includes the types of units and the maximum number of units;

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

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- (3) the minimum and maximum number of additional units, if any, that may be included in the condominium;
- (4) a brief narrative description of any development rights reserved by a declarant and of any conditions relating to or limitations upon the exercise of development rights;
- (5) copies of the declaration, articles of incorporation of the association, the bylaws, any rules of the association, and amendments to any of them, and copies of leases and contracts, other than loan documents, that are required by the declarant to be signed by purchasers at closing;
- (6) a projected or pro forma budget for the association that complies with Subsection (b) for the first fiscal year of the association following the date of the first conveyance to a purchaser, identification of the person who prepared the budget, and a statement of the budget's assumptions concerning occupancy and inflation factors;
- (7) a general description of each lien, lease, or encumbrance on or affecting the title to the condominium after conveyance by the declarant;
- (8) a copy of each written warranty provided by the declarant;
- (9) a description of any unsatisfied judgments against the association and any pending suits to which the association is a party or which are material to the land title and construction of the condominium of which a declarant has actual knowledge;
- (10) a general description of the insurance coverage provided for the benefit of unit owners;
- (11) current or expected fees or charges to be paid by unit owners for the use of the common elements and other facilities related to the condominium; and
- (12) for a condominium located wholly or partly in a municipality with a population of more than 1.9 million a statement that a unit owner:
 - (A) as an alternative to personal service, may be served with

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process by the municipality or the municipality's agent for a judicial or administrative proceeding initiated by the municipality and directly related to the unit owner's property interest in the condominium by serving the unit owner at the unit owner's last known address, according to the records of the appraisal district in which the condominium is located, by any means permitted by Rule 21a, Texas Rules of Civil Procedure;

(B) shall ~~promptly~~ notify the appraisal district in writing of a change in the unit owner's mailing address not later than the 90th day after the date the unit owner changes the address; and

(C) may not offer proof in the judicial or administrative proceeding, or in a subsequent related proceeding, that otherwise proper service by mail of the notice was not received not later than three days after the date the notice was deposited in a post office or official depository under the care and custody of the United States Postal Service.

SECTION 5. Chapter 214, Local Government Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. EMINENT DOMAIN AUTHORITY OF CERTAIN MUNICIPALITIES TO TAKE ABANDONED CONDOMINIUMS

Sec. 214.301. APPLICABILITY. This subchapter applies only to a municipality with a population of more than 1.9 million.

Sec. 214.302. DEFINITION. In this subchapter, "condominium" means a condominium as defined by Section 81.002 or 82.003, Property Code.

Sec. 214.303. EMINENT DOMAIN AUTHORITY. A municipality may take a condominium through the use of

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SECTION 5. Chapter 214, Local Government Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. EMINENT DOMAIN AUTHORITY OF CERTAIN MUNICIPALITIES TO TAKE ABANDONED CONDOMINIUMS

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Sec. 214.302. DEFINITION. In this subchapter, "condominium" means a condominium as defined by Section 81.002 or 82.003, Property Code.

Sec. 214.303. EMINENT DOMAIN AUTHORITY. A municipality may take a condominium through the use of

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eminent domain for the purpose of the elimination of urban blight if a tract or unit of real property on which the condominium sits presents the following conditions for at least one year after the date on which notice of the conditions is reasonably attempted to be provided to the property owner:

(1) all lawful occupation of or construction activity for the condominium has ceased;

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

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

Sec. 214.304. EXPIRATION OF SUBCHAPTER. This subchapter expires December 31, 2016.

SECTION 6. The change in law made by this Act applies only to a condemnation proceeding in which the condemnation petition is filed on or after the effective date of this Act and to any property condemned through the proceeding. A condemnation proceeding in which the condemnation petition is filed before the effective date of this Act and any property condemned through the proceeding are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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eminent domain for the purpose of the elimination of urban blight if a tract or unit of real property on which the condominium sits presents the following conditions for at least one year after the date on which notice of the conditions is reasonably attempted to be provided to the property owner:

(1) all lawful occupation of or construction activity for the condominium has ceased;

(2) the property:

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

(B) contained units described by Paragraph (A) that were demolished in accordance with a court order issued under Section 54.018, Local Government Code; and

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

Sec. 214.304. EXPIRATION OF SUBCHAPTER. This subchapter expires December 31, 2016. [FA1]

SECTION 6. Same as House version.

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SECTION 7. This Act takes effect September 1, 2011.

SECTION 7. Same as House version.