

By: Schofield

H.B. No. 528

A BILL TO BE ENTITLED

AN ACT

1
2 relating to establishing actual progress for the purposes of
3 determining the right to repurchase real property from a condemning
4 entity.

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

6 SECTION 1. Section 21.101(b), Property Code, is amended to
7 read as follows:

8 (b) In this section, "actual progress" means the completion
9 of three [~~two~~] or more of the following actions:

10 (1) the performance of a significant amount of labor
11 to develop the property or other property acquired for the same
12 public use project for which the property owner's property was
13 acquired;

14 (2) the provision of a significant amount of materials
15 to develop the property or other property acquired for the same
16 public use project for which the property owner's property was
17 acquired;

18 (3) the hiring of and performance of a significant
19 amount of work by an architect, engineer, or surveyor to prepare a
20 plan or plat that includes the property or other property acquired
21 for the same public use project for which the property owner's
22 property was acquired;

23 (4) application for state or federal funds to develop
24 the property or other property acquired for the same public use

1 project for which the property owner's property was acquired; or
2 (5) application for a state or federal permit to
3 develop the property or other property acquired for the same public
4 use project for which the property owner's property was acquired[+
5 ~~[(6) the acquisition of a tract or parcel of real~~
6 ~~property adjacent to the property for the same public use project~~
7 ~~for which the owner's property was acquired; or~~
8 ~~[(7) for a governmental entity, the adoption by a~~
9 ~~majority of the entity's governing body at a public hearing of a~~
10 ~~development plan for a public use project that indicates that the~~
11 ~~entity will not complete more than one action described by~~
12 ~~Subdivisions (1)-(6) before the 10th anniversary of the date of~~
13 ~~acquisition of the property].~~

14 SECTION 2. Section 21.101(b), Property Code, as amended by
15 this Act, applies only to a real property interest acquired in
16 connection with a condemnation proceeding in which the petition is
17 filed on or after the effective date of this Act. A real property
18 interest acquired in connection with a condemnation proceeding in
19 which the petition is filed before the effective date of this Act is
20 governed by the law as it existed immediately before that date, and
21 that law is continued in effect for that purpose.

22 SECTION 3. This Act takes effect September 1, 2017.