

By: VanDeaver

H.B. No. 2090

A BILL TO BE ENTITLED

AN ACT

relating to compensation for heritage property acquired through eminent domain.

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

SECTION 1. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.010 to read as follows:

Sec. 21.010. HERITAGE PROPERTY. (a) In this chapter, "heritage property" means real property continuously owned within the same family for 100 or more years.

(b) For the purposes of this chapter, family ownership of heritage property may be established by evidence of continuous ownership of the property by one or more persons related by blood, marriage, or adoption to a person who owned the property 100 years before the date an initial offer is made under Section 21.0113 to acquire the property.

(c) To establish the property being acquired as heritage property, the property owner must provide certified copies of recorded deeds and other relevant documents that verify ownership.

SECTION 2. Section 21.0113, Property Code, is amended by adding Subsection (c) to read as follows:

(c) A bona fide offer to acquire heritage property must include a final offer equal to or greater than 150 percent of:

(1) the amount of the written appraisal obtained by the entity of the value of the property being acquired; and

1 (2) the damages, if any, to any of the property owner's
2 remaining property.

3 SECTION 3. Section 21.041, Property Code, is amended to
4 read as follows:

5 Sec. 21.041. EVIDENCE. As the basis for assessing actual
6 damages to a property owner from a condemnation, the special
7 commissioners shall admit evidence on:

8 (1) the value of the property being condemned;

9 (2) the injury to the property owner;

10 (3) the benefit to the property owner's remaining
11 property; ~~and~~

12 (4) the use of the property for the purpose of the
13 condemnation; and

14 (5) the status of the property as heritage property,
15 if applicable.

16 SECTION 4. Subchapter C, Chapter 21, Property Code, is
17 amended by adding Section 21.0422 to read as follows:

18 Sec. 21.0422. ASSESSMENT OF DAMAGES: HERITAGE PROPERTY.

19 (a) Notwithstanding Section 21.042(b), if an entire tract or
20 parcel of heritage property is condemned, the damage to the
21 property owner is 150 percent of the local market value of the
22 property at the time of the special commissioners' hearing.

23 (b) Notwithstanding Section 21.042(c), if a portion of a
24 tract or parcel of heritage property is condemned, the special
25 commissioners shall:

26 (1) determine the damage to the property owner after
27 estimating the extent of the injury and benefit to the property

1 owner, including the effect of the condemnation on the value of the
2 property owner's remaining property; and

3 (2) award damages of 150 percent of the amount of
4 damages determined under Subdivision (1).

5 SECTION 5. The changes in law made by this Act apply only to
6 the acquisition of real property in connection with a final offer
7 made under Section 21.0113, Property Code, on or after the
8 effective date of this Act. An acquisition of real property in
9 connection with a final offer made under Section 21.0113, Property
10 Code, before the effective date of this Act is governed by the law
11 applicable to the acquisition immediately before the effective date
12 of this Act, and that law is continued in effect for that purpose.

13 SECTION 6. This Act takes effect September 1, 2017.