

By: Holland

H.B. No. 2556

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the appraisal required in connection with a bona fide  
3 offer to acquire real property by an entity with eminent domain  
4 authority.

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

6 SECTION 1. Section 21.0113(b), Property Code, is amended to  
7 read as follows:

8 (b) An entity with eminent domain authority has made a bona  
9 fide offer if:

10 (1) an initial offer is made in writing to a property  
11 owner;

12 (2) a final offer is made in writing to the property  
13 owner;

14 (3) the final offer is made on or after the 30th day  
15 after the date on which the entity makes a written initial offer to  
16 the property owner;

17 (4) before making a final offer, the entity obtains a  
18 written appraisal from a certified appraiser of the value of the  
19 property being acquired and the damages, if any, to any of the  
20 property owner's remaining property, including an appraisal of  
21 damages arising from:

22 (A) any construction, maintenance, repair,  
23 replacement, or removal of a structure on the owner's property made  
24 necessary by the proposed acquisition; or

1                   (B) any replacement, relocation, or removal of,  
2 or injury to, any other property, whether real or personal, located  
3 on or affixed to the owner's land, including livestock, growing  
4 crops, or other growing plants;

5                   (5) the final offer is equal to or greater than the  
6 amount of the written appraisal obtained by the entity;

7                   (6) the following items are included with the final  
8 offer or have been previously provided to the owner by the entity:

9                   (A) a copy of the written appraisal;

10                   (B) a copy of the deed, easement, or other  
11 instrument conveying the property sought to be acquired; and

12                   (C) the landowner's bill of rights statement  
13 prescribed by Section [21.0112](#); and

14                   (7) the entity provides the property owner with at  
15 least 14 days to respond to the final offer and the property owner  
16 does not agree to the terms of the final offer within that period.

17                   SECTION 2. The change in law made by this Act applies only  
18 to the acquisition of real property in connection with an initial  
19 offer made under Section [21.0113](#), Property Code, on or after the  
20 effective date of this Act. An acquisition of real property in  
21 connection with an initial offer made under Section [21.0113](#),  
22 Property Code, before the effective date of this Act is governed by  
23 the law applicable to the acquisition immediately before the  
24 effective date of this Act, and that law is continued in effect for  
25 that purpose.

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