

By: Zwiener

H.B. No. 4154

A BILL TO BE ENTITLED

AN ACT

relating to the possession of condemned property by the condemnor pending the results of further litigation.

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

SECTION 1. Section 21.021, Property Code, is amended by amending Subsections (a) and (c) and adding Subsections (e) and (f) to read as follows:

(a) After the special commissioners have made an award in a condemnation proceeding, except as provided by Subsection (c) and subject to Subsection (e) [of this section], the condemnor may take possession of the condemned property pending the results of further litigation if the condemnor, not later than the seventh day after the date of the commissioners' award:

(1) pays to the property owner the amount of damages and costs awarded by the special commissioners or deposits that amount of money with the court subject to the order of the property owner;

(2) deposits with the court either the amount of money awarded by the special commissioners as damages or a surety bond in the same amount issued by a surety company qualified to do business in this state, conditioned to secure the payment of an award of damages by the court in excess of the award of the special commissioners; and

(3) executes a bond that has two or more good and

1 solvent sureties approved by the judge of the court in which the  
2 proceeding is pending and conditioned to secure the payment of  
3 additional costs that may be awarded to the property owner by the  
4 trial court or on appeal.

5 (c) This state, a county, or a municipal corporation or an  
6 irrigation, water improvement, or water power control district  
7 created under legal authority:

8 (1) may take possession under this section of  
9 condemned property pending the results of further litigation, if  
10 the condemnor satisfies the requirements of Subsection (a)(1);

11 (2) is not required to deposit a bond or the amount  
12 equal to the award of damages under Subsections (a)(2)  
13 ~~[Subdivisions (2)] and (3) [of Subsection (a)]; and~~

14 is not subject to Subsection (e)

15 (e) A condemnor may not take possession under this section  
16 of condemned property pending the results of further litigation  
17 before the 180th day after the date of the commissioners' award.

18 (f) This section may not be construed to prohibit an  
19 agreement approved by the court between a property owner and a  
20 condemnor that allows immediate possession of the condemned  
21 property by the condemnor.

22 SECTION 2. The changes in law made by this Act apply to a  
23 condemnation proceeding for which a petition is filed on or after  
24 the effective date of this Act. A condemnation proceeding for which  
25 a petition is filed before the effective date of this Act is  
26 governed by the law in effect on the date the petition is filed, and  
27 that law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect September 1, 2019.