

By: Zwiener

H.B. No. 1506

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 (b-1) and (e) 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 (b-1) ~~[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 (b-1) Except as provided by Subsection (c), a condemnor may
6 not take possession under this section of condemned property
7 pending the results of further litigation before the 180th day
8 after the date of the commissioners' award.

9 (c) This state, a county, or a municipal corporation or an
10 irrigation, water improvement, or water power control district
11 created under legal authority:

12 (1) may take possession under this section of
13 condemned property pending the results of further litigation if the
14 condemnor satisfies the requirements of Subsection (a)(1); and

15 (2) is not:

16 (A) required to deposit a bond or the amount
17 equal to the award of damages under Subsections (a)(2)
18 [Subdivisions (2)] and (3); or

19 (B) subject to Subsection (b-1) [of Subsection
20 (a)].

21 (e) This section may not be construed to prohibit an
22 agreement approved by the court between a property owner and a
23 condemnor that allows immediate possession of the condemned
24 property by the condemnor.

25 SECTION 2. The changes in law made by this Act apply to a
26 condemnation proceeding for which a petition is filed on or after
27 the effective date of this Act. A condemnation proceeding for which

1 a petition is filed before the effective date of this Act is
2 governed by the law in effect on the date the petition is filed, and
3 that law is continued in effect for that purpose.

4 SECTION 3. This Act takes effect September 1, 2021.