

By: Leman

H.B. No. 2044

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, Property Code, is amended by  
7 amending Subsection (b) and adding Subsection (b-1) to read as  
8 follows:

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

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

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

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

1           (4) application for state or federal funds to develop  
2 the property or other property acquired for the same public use  
3 project for which the property owner's property was acquired; or

4           (5) application for a state or federal permit or  
5 certificate to develop the property or other property acquired for  
6 the same public use project for which the property owner's property  
7 was acquired.

8           (b-1) Notwithstanding Subsection (b), a navigation district  
9 or port authority may establish actual progress for purposes of  
10 this section by:

11           (1) the completion of one action described by  
12 Subsection (b); and

13           (2) [~~;(6) the acquisition of a tract or parcel of~~  
14 ~~real property adjacent to the property for the same public use~~  
15 ~~project for which the owner's property was acquired; or~~

16           [~~(7) for a governmental entity,~~] the adoption by a  
17 majority of the entity's governing body at a public hearing of a  
18 development plan for a public use project that indicates that the  
19 entity will not complete more than one action described by  
20 Subsection (b) [~~Subdivisions (1)-(6)~~] before the 10th anniversary  
21 of the date of acquisition of the property.

22           SECTION 2. Section [21.101](#), Property Code, as amended by  
23 this Act, applies only to a real property interest acquired in  
24 connection with a condemnation proceeding in which the petition is  
25 filed on or after the effective date of this Act. A real property  
26 interest acquired in connection with a condemnation proceeding in  
27 which the petition is filed before the effective date of this Act is

1 governed by the law in effect immediately before that date, and that  
2 law is continued in effect for that purpose.

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