

By: González of El Paso

H.B. No. 4186

Substitute the following for H.B. No. 4186:

By: Leman

C.S.H.B. No. 4186

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a written appraisal required for a bona fide offer to  
3 acquire real property by an entity with eminent domain authority.

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

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

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

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

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

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

16 (4) before making a final offer, the entity obtains a  
17 written appraisal from a certified appraiser as defined by Section  
18 1103.003, Occupations Code, of the value of the property being  
19 acquired and the damages, if any, to any of the property owner's  
20 remaining property;

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

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

- 1 (A) a copy of the written appraisal;
- 2 (B) a copy of the deed, easement, or other  
3 instrument conveying the property sought to be acquired; and
- 4 (C) the landowner's bill of rights statement  
5 prescribed by Section 21.0112; and
- 6 (7) the entity provides the property owner with at  
7 least 14 days to respond to the final offer and the property owner  
8 does not agree to the terms of the final offer within that period.

9 SECTION 2. The change in law made by this Act applies only  
10 to the acquisition of real property in connection with a final offer  
11 made under Chapter 21, Property Code, on or after the effective date  
12 of this Act. An acquisition of real property in connection with a  
13 final offer made under Chapter 21, Property Code, before the  
14 effective date of this Act is governed by the law applicable to the  
15 acquisition immediately before the effective date of this Act, and  
16 that law is continued in effect for that purpose.

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