88R4332 SHH-D

By:  Moody H.B. No. 2628

A BILL TO BE ENTITLED

AN ACT

relating to the resale price of real property repurchased from a condemning entity by a previous owner or the owner's heirs, successors, or assigns.

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

SECTION 1.  Section 21.103, Property Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b)  As soon as practicable after receipt of a notice of intent to repurchase under Subsection (a), the entity shall offer to sell the property interest to the person for the amount the entity was ordered to pay the owner for the property interest in the final judgment in the condemnation proceeding through which the entity acquired the property interest [~~price paid to the owner by the entity at the time the entity acquired the property through eminent domain~~].

(c)  The amount of an entity's offer to sell under Subsection (b) may not include any amount:

(1)  awarded by the court and paid by the entity to the property owner:

(A)  as costs or fees under Section 21.047;

(B)  for damages to the property resulting from the entity's temporary possession of the property under Section 21.044; or

(C)  to account for, if applicable:

(i)  the effect of the condemnation of the property interest on the value of the property owner's remaining property, as described by Section 21.042(c); or

(ii)  the market value of groundwater rights as property apart from the property owner's other real property at the time of the hearing, as described by Section 21.0421(c)(2);

(2)  expressly paid or reasonably understood to have been paid by the entity to the property owner as consideration to avoid litigation by the property owner; or

(3)  otherwise paid by the entity to the property owner for a purpose other than to compensate the owner for the value of the interest acquired.

(d)  The person's right to repurchase the property expires on the 90th day after the date on which the entity makes the offer.

SECTION 2.  (a) A person entitled to repurchase a property interest under Subchapter E, Chapter 21, Property Code, who gave a notice of intent to repurchase the property interest under Section 21.103(a), Property Code, before the effective date of this Act is entitled to repurchase the property interest for an amount that does not exceed the amount described by Section 21.103(b), Property Code, as amended by this Act, regardless of whether the person received or accepted an offer made under that section before the effective date of this Act, if the repurchase of the property interest was not completed before the effective date of this Act.

(b)  Except as provided by Subsection (c) of this section, as soon as practicable after the effective date of this Act, an entity that has made or is required to make an offer under Section 21.103, Property Code, to a person described by Subsection (a) of this section shall make an offer to sell the property interest to the person at the amount described by Section 21.103(b), Property Code, as amended by this Act. The person's right to repurchase the property interest expires on the 90th day after the date on which the entity makes the offer under this subsection.

(c)  An entity is not required to make an offer under Subsection (b) of this section if, before the effective date of this Act, the entity made an offer to sell the property interest to the person for an amount that does not exceed the amount described by Section 21.103(b), Property Code, as amended by this Act.

SECTION 3.  This Act takes effect September 1, 2023.