

By: Rogers, Bell of Kaufman, Bailes,
Bell of Montgomery

H.B. No. 376

A BILL TO BE ENTITLED

AN ACT

relating to a landowner's bill of rights statement in connection
with the acquisition of real property through eminent domain.

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

SECTION 1. Sections 402.031(b) and (c), Government Code,
are amended to read as follows:

(b) The landowner's bill of rights must notify each property
owner that the property owner has the right to:

(1) notice of the proposed acquisition of the owner's
property;

(2) a bona fide good faith effort to negotiate by the
entity proposing to acquire the property;

(3) an assessment of damages to the owner that will
result from the taking of the property;

(4) a hearing under Chapter 21, Property Code,
including a hearing on the assessment of damages;

(5) an appeal of a judgment in a condemnation
proceeding, including an appeal of an assessment of damages; ~~and~~

(6) file a written complaint with the Texas Real
Estate Commission under Section 1101.205, Occupations Code,
regarding alleged misconduct by a registered easement or
right-of-way agent acting on behalf of the entity exercising
eminent domain authority; and

(7) submit to the appraisal district office in the

1 county in which the property is taxable a report of decreased value
2 for the owner's remaining property after the taking.

3 (c) The statement must include:

4 (1) the title, "Landowner's Bill of Rights"; ~~and~~

5 (2) a description of:

6 (A) the condemnation procedure provided by
7 Chapter 21, Property Code;

8 (B) the condemning entity's obligations to the
9 property owner; and

10 (C) the property owner's options during a
11 condemnation, including the property owner's right to object to and
12 appeal an amount of damages awarded; and

13 (3) a copy of the report of decreased value form issued
14 by the comptroller.

15 SECTION 2. The office of the attorney general shall make the
16 landowner's bill of rights statement required by Section 402.031,
17 Government Code, as amended by this Act, available on the attorney
18 general's Internet website not later than January 1, 2024.

19 SECTION 3. (a) Except as provided by Subsection (b) of this
20 section, this Act takes effect January 1, 2024.

21 (b) Section 2 of this Act takes effect September 1, 2023.