

By: Herrero

H.B. No. 4844

A BILL TO BE ENTITLED

AN ACT

relating to the use of a broker for the sale of real property by the Nueces County Hospital District.

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

SECTION 1. Subchapter C, Chapter 281, Health and Safety Code, is amended by adding Section 281.061 to read as follows:

Sec. 281.061. NUECES COUNTY HOSPITAL DISTRICT; BROKER AGREEMENTS AND FEES FOR SALE OF REAL PROPERTY. (a) In this section:

(1) "Broker" means a person licensed as a broker under Chapter 1101, Occupations Code.

(2) "District" means the Nueces County Hospital District.

(3) "Fair market value" means the price that a property would bring in an arms-length transaction when offered for sale by a person who wishes, but is not obliged, to sell the property and when bought by a person who is under no necessity of buying the property. The value shall be determined as if the property were available for immediate possession and for use for any reasonable purpose.

(b) Except as provided by Subsection (c), the Nueces County Hospital District may contract with a broker to sell a tract of real property that is owned by the district.

(c) The district may not contract with a broker who is

1 related within the third degree of consanguinity or affinity, as
2 determined under Chapter 573, Government Code, to:

3 (1) a member of the board of hospital managers of the
4 district; or

5 (2) a public official who serves on the Nueces County
6 Commissioners Court.

7 (d) The district may pay a fee if a broker produces a ready,
8 willing, and able buyer to purchase a tract of real property.

9 (e) If a contract made under Subsection (b) requires a
10 broker to list the tract of real property for sale for at least 30
11 days with a multiple-listing service used by other brokers in the
12 county in which the real property is located, the district, on or
13 after the 30th day after the date the property is listed, may sell
14 the tract of real property to a ready, willing, and able buyer who
15 is produced by any broker with whom the district may contract under
16 Subsection (c) using the multiple-listing service and who submits
17 the most advantageous offer.

18 (f) The district must post a notice of intent to sell the
19 real property in a newspaper of general circulation, not less than
20 once, at least 30 days before the date the district accepts an offer
21 produced by a broker.

22 (g) The district may sell a tract of real property under
23 this section without complying with the requirements of Section
24 272.001, Local Government Code.

25 (h) The district may not sell a tract of real property under
26 this section for less than the fair market value of the tract of
27 real property, as determined by an independent appraisal prepared

1 by an appraiser certified under Chapter 1103, Occupations Code, and
2 obtained by the district in accordance with Subsection (j).

3 (i) The district may not sell a tract of real property under
4 this section to a buyer who:

5 (1) is related within the third degree of
6 consanguinity or affinity, as determined under Chapter 573,
7 Government Code, to:

8 (A) a member of the board of hospital managers of
9 the district;

10 (B) a public official who serves on the Nueces
11 County Commissioners Court; or

12 (C) the broker for the sale; or

13 (2) has a business or financial relationship with a
14 member of the board of hospital managers of the district or a public
15 official who serves on the Nueces County Commissioners Court that
16 could reasonably be expected to materially and adversely affect the
17 judgment of the member or public official.

18 (j) The district may not obtain an appraisal under
19 Subsection (h) from an appraiser who is related within the third
20 degree of consanguinity or affinity, as determined under Chapter
21 573, Government Code, to:

22 (1) a member of the board of hospital managers of the
23 district; or

24 (2) a public official who serves on the Nueces County
25 Commissioners Court.

26 SECTION 2. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2023.