

By: Bell of Montgomery

H.B. No. 2011

A BILL TO BE ENTITLED

AN ACT

relating to the right to repurchase from a condemning entity
certain real property for which ad valorem taxes are delinquent.

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

SECTION 1. Section 21.101(a), Property Code, is amended to
read as follows:

(a) A person from whom a real property interest is acquired
by an entity through eminent domain for a public use, or that
person's heirs, successors, or assigns, is entitled to repurchase
the property as provided by this subchapter if:

(1) the public use for which the property was acquired
through eminent domain is canceled before the property is used for
that public use;

(2) no actual progress is made toward the public use
for which the property was acquired between the date of acquisition
and the 10th anniversary of that date; ~~or~~

(3) the property becomes unnecessary for the public
use for which the property was acquired, or a substantially similar
public use, before the 10th anniversary of the date of acquisition;
or

(4) the entity that acquired the property through
eminent domain:

(A) has an obligation to pay ad valorem taxes on
the acquired property; and

1 (B) has failed to pay any ad valorem taxes on the
2 acquired property before the second anniversary of the date on
3 which the unpaid taxes became due.

4 SECTION 2. Section 21.102, Property Code, is amended to
5 read as follows:

6 Sec. 21.102. NOTICE TO PREVIOUS PROPERTY OWNER REQUIRED.
7 Not later than the 180th day after the date an entity that acquired
8 a real property interest through eminent domain determines that the
9 former property owner is entitled to repurchase the property under
10 Section 21.101, the entity shall send by certified mail, return
11 receipt requested, to the property owner or the owner's heirs,
12 successors, or assigns a notice containing:

13 (1) an identification, which is not required to be a
14 legal description, of the property that was acquired;

15 (2) an identification of the public use for which the
16 property had been acquired and a statement that:

17 (A) the public use was canceled before the
18 property was used for the public use;

19 (B) no actual progress was made toward the public
20 use; ~~or~~

21 (C) the property became unnecessary for the
22 public use, or a substantially similar public use, before the 10th
23 anniversary of the date of acquisition; or

24 (D) ad valorem taxes due on the property have not
25 been paid by the entity before the second anniversary of the date on
26 which the taxes became due; and

27 (3) a description of the person's right under this

subchapter to repurchase the property.

SECTION 3. Section 21.1021, Property Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If a property owner's real property was acquired by an entity that is responsible for paying ad valorem taxes on the acquired property, the property owner from whom the property was acquired or the owner's heirs, successors, or assigns may request at any time after the 18-month anniversary of the acquisition, but not more than once annually, that the condemning entity make a determination and provide a statement and other relevant information regarding:

(1) whether all ad valorem taxes on the acquired property have been paid; or

(2) if any ad valorem taxes on the acquired property have not been paid:

(A) the amount of the unpaid ad valorem taxes;

(B) each due date of any unpaid ad valorem taxes;

and

(C) whether the entity has a good faith intention to pay the unpaid ad valorem taxes.

SECTION 4. Section 21.103, Property Code, is amended to read as follows:

Sec. 21.103. RESALE OF PROPERTY; PRICE. (a) Not later than the 180th day after the date of the postmark on a notice sent under Section 21.102 or a response to a request made under Section 21.1021 that indicates that the property owner, or the owner's heirs, successors, or assigns, is entitled to repurchase the property

1 interest in accordance with Section 21.101, the property owner or
2 the owner's heirs, successors, or assigns must notify the entity of
3 the person's intent to repurchase the property interest under this
4 subchapter.

5 (a-1) Notwithstanding Subsection (a), a person entitled to
6 repurchase real property under Section 21.101(a)(4) may inform the
7 entity that acquired the property of the person's intent to
8 repurchase the property before notice or information is required or
9 provided under Section 21.102 or 21.1021.

10 (b) As soon as practicable after receipt of a notice of
11 intent to repurchase under this section [~~Subsection (a)~~], the
12 entity shall offer to sell the property interest to the person for
13 the price paid to the owner by the entity at the time the entity
14 acquired the property through eminent domain. The person's right
15 to repurchase the property expires on the 90th day after the date on
16 which the entity makes the offer.

17 SECTION 5. Subchapter E, Chapter 21, Property Code, as
18 amended by this Act, applies only to a condemnation proceeding in
19 which the petition is filed on or after the effective date of this
20 Act and to any property condemned through the proceeding. A
21 condemnation proceeding in which the petition is filed before the
22 effective date of this Act and any property condemned through the
23 proceeding are governed by the law in effect immediately before the
24 effective date of this Act, and that law is continued in effect for
25 that purpose.

26 SECTION 6. This Act takes effect September 1, 2025.