

Landowner's Bill of Rights - House Bill 1495

By: Callegari, Flynn, Murphy, Crabb, et al. H.B. No. 1495 A BILL TO BE ENTITLED AN ACT relating to a bill of rights for property owners whose property may be acquired by governmental or private entities through the use of eminent domain authority. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: SECTION 1. This Act may be cited as the Landowner's Bill of Rights Act. SECTION 2. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.031 to read as follows: Sec. 402.031. PREPARATION OF LANDOWNER'S BILL OF RIGHTS STATEMENT. (a) The attorney general shall prepare a written statement that includes a bill of rights for a property owner whose real property may be acquired by a governmental or private entity through the use of the entity's eminent domain authority under Chapter 21, Property Code. (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; and (5) an appeal of a judgment in a condemnation proceeding, including an appeal of an assessment of damages. (c) The statement must include: (1) the title, "Landowner's Bill of Rights"; and (2) a description of: (A) the condemnation procedure provided by Chapter 21, Property Code; (B) the condemning entity's obligations to the property owner; and (C) the property owner's options during a condemnation, including the property owner's right to object to and appeal an amount of damages awarded. (d) The office of the attorney general shall: (1) write the statement in plain language designed to be easily understood by the average property owner; and (2) make the statement available on the attorney general's Internet website. SECTION 3. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.0112 to read as follows: Sec. 21.0112. PROVISION OF LANDOWNER'S BILL OF RIGHTS STATEMENT REQUIRED. (a) Before a governmental or private entity with eminent domain authority begins negotiating with a property owner to acquire real property, the entity must send by first-class mail or otherwise provide a landowner's bill of rights statement provided by Section 402.031, Government Code, to the last known address of the person in whose name the property is listed on the most recent tax roll of any appropriate taxing unit authorized by law to levy property taxes against the property. (b) The statement must be: (1) printed in an easily readable font and type size; and (2) if the entity is a governmental entity, made available on the Internet website of the entity if technologically feasible. SECTION 4. Section 21.012(b), Property Code, is amended to read as follows: (b) The petition must: (1) describe the property to be condemned; (2) state the purpose for which the entity intends to use the property; (3) state the name of the owner of the property if the owner is known; [and] (4) state that the

entity and the property owner are unable to agree on the damages; and (5) if applicable, state that the entity provided the property owner with the landowner's bill of rights statement in accordance with Section 21.0112. SECTION 5. The office of the attorney general shall prepare the landowner's bill of rights statement required by Section 402.031, Government Code, as added by this Act, not later than August 31, 2007. SECTION 6. The changes in law made by this Act apply only to a condemnation proceeding in which the petition is filed on or after the effective date of this Act and to any property condemned through the proceeding. A condemnation proceeding in which the petition is filed before the effective date of this Act and any property condemned through the proceeding are governed by the law in effect immediately before that date, and that law is continued in effect for that purpose. SECTION 7. This Act takes effect September 1, 2007.