



# Fact Sheet

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## Eminent Domain

*Revised June 30, 2011*

Eminent domain reform has been a top priority of TSCRA since the 2007 legislative session.

In 2009, the Texas Legislature passed a constitutional amendment (Proposition 11) that placed limits on government's ability to take private property for private use or economic development purposes. Texas voters approved the amendment in November 2009.

Building on Proposition 11, in 2011, the Legislature passed SB 18, also known as the eminent domain bill. SB 18 increases protections for property owners in regards to eminent domain laws.

SB 18 reforms the eminent domain laws in Texas by requiring the following:

- A public and record vote to initiate eminent domain proceedings.
- Condemning entities to specifically state the public use for which the land is needed.
- Private property to be condemned for public use only.
- Entities with eminent domain authority to register with the Comptroller by December 2012.
- Condemning entities to make a bona fide offer in writing based on an appraisal, and if not, pay the landowner's expenses and attorney fees.
- Landowners to be compensated for damages from a loss of direct access to their property.
- Landowners to receive relocation assistance when forced to move off their property.
- Condemning entities to provide appraisals of the property to landowners during negotiations.
- Landowners, under certain conditions, the right to repurchase their condemned land at the original price if not used for the public use it was condemned for within 10 years.

### **What is TSCRA doing?**

While SB 18 is a good step toward leveling the playing field for private property owners, there is still work to be done to further reform the eminent domain laws and strengthen private property rights in Texas. TSCRA will continue to work with legislators and their staffs to ensure Texas remains a strong private property rights state.

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