

HB 2006 and HB 3057 Provide Texans With Protection Against Eminent Domain Abuse

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Since the U.S. Supreme Court's now infamous decision in *Kelo v. City of New London*, 41 states have passed legislation reforming their eminent domain laws to ensure home and small business owners get to keep what they've worked so hard to own. Texas was one of the first states to react with the passage of SB 7 in 2005. Though a good first step, SB 7 still left considerable room for eminent domain abuse—the transfer of property from one private individual to another for private profit, not public use.

As the two-year anniversary of the *Kelo* decision nears, the Texas legislature is poised to close the loopholes that remain after SB 7 and provide substantive protection for all property owners in the state.

We urge the adoption of both HB 2006 and HB 3057 with the Senate amendments. When these bills become law, Texas will serve as an example for the rest of the country as a state where not only are problems quickly recognized and shortcomings fixed, but where everyone, no matter where they live, will feel secure in what they own. Highlights follow.

HB 2006 focuses on public use and procedure:

- Restores the *traditional* and publicly accepted definition of public use to include only those situations where property is possessed, owned and occupied by the general public.
- Provides that property can *only* be acquired by eminent domain for a public use, which will stop eminent domain abuse.
- Requires *additional voting, notices and compensation* when eminent domain is used.

HB 3057 focuses on “blight”:

- Ensures that only specific blighted *properties*, not an area with blighted and non-blighted property, can be acquired by eminent domain.
- Mandates that a number of *objective factors* be present for the determination of blight, such as abandonment, uninhabitability or hazardous condition, not subjective and vague criteria that lead to bogus blight designations.
- Offers property owners the *opportunity to fix* the cause of “blight” within six months before their property can be acquired.

Both **HB 2006 and HB 3057** will give Texas property owners the protection they need and deserve. They **should both be adopted with the Senate amendments.**

The Institute for Justice is a non-profit, public interest law firm that fights the abuse of eminent domain. IJ represented Susette Kelo and her neighbors before the Supreme Court.