



TEXAS MUNICIPAL LAW BULLETIN™

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EMINENT DOMAIN REGISTRATION

Entities authorized to exercise the power of eminent domain such as cities must register with the State of Texas. A database of registrants will be maintained and accessible from the Texas Comptroller's official website: <http://comptroller.texas.gov/>. Eminent domain (aka, "condemnation") remains one of the most effective methods of land acquisition for municipalities, but it is under constant scrutiny. Newly-enacted legislation seeks to create continuous registration of entities with eminent domain authority in order to monitor the amount of such entities statewide. The legislature's census approach to entities with eminent domain may seem benign, but failure to comply may have serious effects on municipalities.

Registration will require an entity with eminent domain authority to provide the following:

- Entity name
- Address & contact information
- Representative officer
- Type of entity (private/public)
- Description of legal provisions under which the entity claims its eminent domain authority
- The earliest date the entity had the authority to exercise the power of eminent domain
- The entity's taxpayer identification number, if available
- Whether the authority was exercised the preceding year
- Entity's website or contact information to allow citizens to obtain information about the entity

Below are deadlines for filing:

TERM OF ENTITY'S EXISTENCE	DEADLINE TO FILE
Entity exists ≥ 180 days as of September 1, 2015	February 1, 2016
Entity exists < 180 days as of September 1, 2015	The longer of 180 days or February 1, 2016
Entity created on/after September 1, 2015	Not required to file until in existence for at least 180 days

The Comptroller will penalize an entity that fails to comply with these requirements. The Comptroller will first provide notice of the noncompliance, but if the entity fails to report on or before the 30th day after notice, then the entity will be subject to a \$1,000 penalty. This noncompliance will be reported in the database. Further failure to comply will subject the entity to an additional \$1,000 penalty. The Attorney General may sue the entity to collect the penalty. However, failure to comply with registration or payment of the penalty does not affect the entity's ability to exercise the power of eminent domain.

Entities should protect themselves against losses by ensuring compliance with the eminent domain database. Please contact the firm for assistance and more information.



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