

COMMENTARY

House Bill 2536: Eminent Domain Land Grab

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House Bill 2536 allows condemnors in Harris County to engage in forum shopping for their eminent domain cases. It does this by giving condemnors the exclusive right to determine whether a case over \$200,000 is filed in a county court at law or a district court. Property owners would have no say so in this matter.

The bill was passed by the Texas Senate's State Affairs Committee by a 5-2 vote after testimony by Texas' Office of Court Administration that HB 2536 would make Harris County courts handle eminent domain cases the way the other urban counties do. However, this is not accurate; a survey of the Property Code and the Government Code clearly shows that HB 2536 would make the handling of eminent domain cases

different in Harris County from not only urban counties but from the rest of the state.

Why would legislation be needed to make its handling of eminent domain cases unique? It's not because there are any significant issues that need to be addressed. In Harris County, eminent domain cases are generally handled by the county courts at law in a timely fashion with few backlogs or unnecessary delays. However, it could be because, as was noted during the testimony, HB 2536 would save Harris County money, it would save TxDOT money, it would save the state of Texas money, it would the city of Houston money, and it would save Harris County METRO money.

Of course, the main way to save money in an eminent domain case

is by paying less money to the property owner. And if a condemnor doesn't like how much it has to pay for private property in the county courts of law, what better way is there to save money than to move the case to a district court? After all, the choice of a friendly forum for a lawsuit often predetermines the outcome, and forum shopping has often been one of the leading abuses in the Texas civil justice system as plaintiffs seek a friendlier venue for their cases. So it is no surprise that the primary proponents of HB 2536 are condemnors or those who benefit from condemnation of private property. [Read More.](#)

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