

Bond Case Briefs

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INVERSE CONDEMNATION - TEXAS

Carlson v. City of Houston

Court of Appeals of Texas, Houston (14th Dist.) - May 2, 2013 - S.W.3d - 2013 WL 1844219

Condominium unit owners brought inverse condemnation action against city under the Texas Constitution alleging a “taking” based upon the loss of use of their homes after being forced to vacate without being afforded procedural due process. Homeowners further alleged that, because the city ordered the homes vacated as a matter of public health and safety, the taking was for an alleged public use.

The court of appeals held that:

- City could not evict owners without procedural due process for failure to have certificates of occupancy, and
- City’s order to vacate was a taking for a public use.

The court of appeals did not agree with the city’s argument that the homeowners never possessed vested property rights because certificates of occupancy had not been obtained.