

By: Buckingham, Hughes

S.B. No. 659

A BILL TO BE ENTITLED

AN ACT

relating to disannexation of certain areas that do not receive full municipal services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter G, Chapter 43, Local Government Code, is amended by adding Section 43.1415 to read as follows:

Sec. 43.1415. DISANNEXTION OF CERTAIN AREAS NOT RECEIVING FULL SERVICES. (a) This section applies only to an area that:

(1) does not receive full municipal services and was exempt from municipal taxation for more than 20 years under an ordinance that provided that the area was exempt from taxation until full municipal services were provided; or

(2) was annexed for limited purposes before Subchapter F was enacted and has not received at any time full municipal services.

(b) Notwithstanding Subsection (a), this section does not apply to an area annexed for limited purposes for which:

(1) the municipality has entered into an agreement, including a regulatory plan or an agreement with provisions related to annexation, with landowners of the area that extends the time for providing full municipal services otherwise required by Subchapter F; and

(2) the deadline for providing full municipal services under the agreement has not elapsed.

1 (c) A person owning real property wholly or partly located
2 in the area may file a petition requesting the municipality to
3 disannex the portion of the property located in the municipality.

4 If the property is located in a subdivision, the petition must:

5 (1) request disannexation of all real property in the
6 subdivision that is located in the municipality; and

7 (2) include the signatures of owners of at least 51
8 percent of the property in the subdivision that is located in the
9 municipality.

10 (d) The municipality shall disannex the property described
11 by a valid petition filed under Subsection (c) not later than the
12 30th day after the date the municipality receives the petition. The
13 filing of the petition creates an irrebuttable presumption that the
14 property is not a part of the municipality. The presumption may not
15 be contested for any cause after the date the municipality receives
16 the petition.

17 (e) If the municipality fails to disannex the property as
18 required by Subsection (d), the person filing the petition may
19 bring an action against the municipality to compel disannexation of
20 the property. If the person prevails, the person may recover
21 attorney's fees and court costs resulting from bringing the action.

22 (f) Governmental immunity to suit and from liability of the
23 municipality is waived to the extent of liability created by this
24 section.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 659

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2021.