

By: Hayes

H.B. No. 4039

A BILL TO BE ENTITLED

AN ACT

relating to the provision of municipal services to land annexed by a municipality for full purposes.

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

SECTION 1. Subchapter A, Chapter 43, Local Government Code, is amended by adding Section 43.006 to read as follows:

Sec. 43.006. PROVISION OF FULL MUNICIPAL SERVICES; DISANNEXTION. (a) In this section, "full municipal services" means a municipality's provision of each of the following to annexed land to allow the full development of the land consistent with existing zoning regulations, a development agreement entered into under Section 212.172, or rights that have accrued for a project under this chapter or Chapter 245:

(1) the provision of police protection;

(2) the provision of fire protection, including fire hydrants;

(3) the provision of emergency medical services;

(4) the provision of solid waste collection, other than those services that a municipality is not required to provide under Section 43.056(o) to an area subject to that section;

(5) the construction, operation, and maintenance of water and wastewater facilities;

(6) the construction, operation, and maintenance of roads and streets, including road and street lighting; and

1           (7) the construction, operation, and maintenance of  
2 any other facility, building, or service to be owned by the  
3 municipality and completed at the time of annexation.

4           (b) This section applies to annexed land regardless of  
5 whether the land was annexed with the landowner's consent.

6           (c) For land annexed by a municipality for full purposes  
7 before September 1, 2023, the municipality must provide, at its  
8 cost, full municipal services to the land not later than September  
9 1, 2027. For land annexed by a municipality for full purposes after  
10 September 1, 2023, the municipality must provide, at its cost, full  
11 municipal services to the land not later than the fourth  
12 anniversary of the annexation date.

13           (d) A municipality may not:

14                 (1) charge a fee to a person for all or part of the  
15 municipality's cost to provide full municipal services to annexed  
16 land;

17                 (2) adopt or enforce an ordinance, rule, or other  
18 measure, or enter into an agreement, that requires a person to fund  
19 a service necessary for the municipality to:

20                         (A) provide full municipal services;

21                         (B) construct an improvement necessary to  
22 provide full municipal services; or

23                         (C) dedicate land necessary to provide full  
24 municipal services; or

25                 (3) require a person to waive a right under this  
26 section.

27           (e) If a municipality violates this section, an affected

1 landowner may bring an action seeking disannexation of the owner's  
2 land from the municipality. In the action:

3 (1) the municipality has the burden of proving by  
4 clear and convincing evidence that the municipality fully complied  
5 with this section, and the court may not use a deferential standard;  
6 and

7 (2) if the time period for providing full municipal  
8 services under Subsection (c) has passed and the annexed land that  
9 is the subject of the action has not been provided with full  
10 municipal services:

11 (A) an irrebuttable presumption exists that the  
12 municipality has failed to comply with this section; and

13 (B) the court shall order disannexation of the  
14 land.

15 (f) The action described by Subsection (e) is in addition to  
16 the enforcement provisions provided by Section [43.908](#).

17 SECTION 2. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section [39](#), Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2023.