

By: Toth

H.B. No. 3455

A BILL TO BE ENTITLED

AN ACT

relating to municipal disannexation involving certain real estate subdivisions.

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 43.1435 to read as follows:

Sec. 43.1435. DISANNEXATION BY PETITION: CERTAIN REAL ESTATE SUBDIVISIONS. (a) This section applies only to an area that constitutes a portion of a real estate subdivision that is:

(1) located in and contiguous to the boundary of a municipality;

(2) under the jurisdiction of a property owners' association that governs the entire real estate subdivision; and

(3) either:

(A) subject to a legal determination that the municipality failed to provide or agree to provide adequate services to the area; or

(B) adjacent to another area in the subdivision that is subject to a legal determination described by Paragraph (A).

(b) A majority of the registered voters of an area subject to this section may petition the municipality to disannex the area. The petition must be filed with the secretary or clerk of the municipality.

1       (c) Not later than the 10th day after the date the secretary  
2 or clerk receives the petition under Subsection (b), the secretary  
3 or clerk shall determine whether the petition is valid. If the  
4 petition is determined valid, the governing body of the  
5 municipality shall immediately enter in the minutes or records of  
6 the municipality an order discontinuing the area as part of the  
7 municipality. The area ceases to be a part of the municipality on  
8 the date of the entry of the order.

9       (d) A disannexation under this section does not authorize  
10 the impairment of a municipal debt obligation and, to the extent  
11 applicable, the area is not released from its pro rata share of that  
12 indebtedness. The governing body shall continue to levy a property  
13 tax each year on the property in the area at the same rate that is  
14 levied on other property in the municipality until the taxes  
15 collected from the area equal its pro rata share of the  
16 indebtedness. Those taxes may be charged only with the cost of  
17 levying and collecting the taxes, and the taxes shall be applied  
18 exclusively to the payment of the pro rata share of the  
19 indebtedness. This subsection does not prevent the inhabitants of  
20 the area from paying in full at any time their pro rata share of the  
21 indebtedness.

22       SECTION 2. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2019.