

By: Craddick

H.B. No. 1653

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to disannexation of certain areas that do not receive full  
3 municipal services.

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

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

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

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

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

16 (b) A person owning real property wholly or partly located  
17 in the area may file a petition requesting the municipality to  
18 disannex the portion of the property located in the municipality.  
19 If the property is located in a subdivision, the petition must:

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

22 (2) include the signatures of owners of at least 51  
23 percent of the property in the subdivision that is located in the  
24 municipality.

1       (c) The municipality shall disannex the property described  
2 by a valid petition filed under Subsection (b) not later than the  
3 30th day after the date the municipality receives the petition. The  
4 filing of the petition creates an irrebuttable presumption that the  
5 property is not a part of the municipality. The presumption may not  
6 be contested for any cause after the date the municipality receives  
7 the petition.

8       (d) If the municipality fails to disannex the property as  
9 required by Subsection (c), the person filing the petition may  
10 bring an action against the municipality to compel disannexation of  
11 the property. If the person prevails, the person may recover  
12 attorney's fees and court costs resulting from bringing the action.

13       (e) Governmental immunity to suit and from liability of the  
14 municipality is waived to the extent of liability created by this  
15 section.

16       SECTION 2. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2021.