

BILL ANALYSIS

C.S.H.B. 1307

By: Toth

Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Certain areas in the extraterritorial jurisdiction of a municipality and certain areas in a real estate subdivision located in a municipality should have the ability to petition the municipality for release from the municipality's extraterritorial jurisdiction or for disannexation for failure to provide or agree to provide adequate services, such as with respect to the City of Austin. C.S.H.B. 1307 seeks to address this issue by providing for such a petition procedure.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1307 amends the Local Government Code to authorize a majority of the registered voters in an area, or in a portion of the area, that is in the extraterritorial jurisdiction of a municipality and that is subject to a legal determination made before January 1, 2023, that the municipality failed to provide or agree to provide adequate services to the area to petition the municipality to release the area from the municipality's extraterritorial jurisdiction. The bill, if such a petition has been filed, authorizes a majority of the registered voters in an adjacent area that is located in the same real estate subdivision and under the jurisdiction of a single property owners' association that governs the entire subdivision to petition the municipality to release the area from the municipality's extraterritorial jurisdiction.

C.S.H.B. 1307 requires the petition to be filed with the secretary or clerk of the municipality, who must determine whether the petition is valid not later than the 10th day after receiving it. The bill requires the governing body of the municipality, if the petition is determined valid, to immediately enter in the municipality's minutes or records an order releasing the area from the municipality's extraterritorial jurisdiction. The bill authorizes such an area, after the area is released from a municipality's extraterritorial jurisdiction, to remain as an unincorporated area of the county, to incorporate in accordance with state law, or to be annexed by an adjacent municipality without being located in the municipality's extraterritorial jurisdiction.

C.S.H.B. 1307 authorizes a majority of the registered voters of a real estate subdivision to petition the applicable municipality to disannex an area that constitutes their portion of a real estate subdivision that is:

- located in and contiguous to the boundary of the municipality;
- under the jurisdiction of a property owners' association that governs the entire

- subdivision; and
- either subject to a legal determination that the municipality failed to provide or agree to provide adequate services to the area or adjacent to another area in the subdivision that is subject to such a determination.

C.S.H.B. 1307 requires the petition to be filed with the secretary or clerk of the municipality, who must determine whether the petition is valid not later than the 10th day after receiving it. The bill requires the governing body of the municipality, if the petition is determined valid, to immediately enter in the municipality's minutes or records an order discontinuing the area as part of the municipality and establishes that the area ceases to be a part of the municipality on the date of the entry of the order.

C.S.H.B. 1307 establishes that the disannexation does not authorize the impairment of a municipal debt obligation and, to the extent applicable, does not release the area from its pro rata share of that indebtedness. The bill requires the governing body to continue to levy a property tax each year on the property in the area at the same rate that is levied on other property in the municipality until the taxes collected from the area equal its pro rata share of the indebtedness. The bill authorizes those taxes to be charged only with the cost of levying and collecting the taxes and requires the taxes to be applied exclusively to the payment of that share of indebtedness. These provisions expressly do not prevent the area's inhabitants from paying in full at any time their pro rata share of the indebtedness.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1307 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

With regard to the release from a municipality's extraterritorial jurisdiction of an area that is subject to a legal determination that the municipality failed to provide or agree to provide adequate services to the area, the substitute restricts the legal determinations to those made before January 1, 2023, whereas the introduced did not include such a restriction.