

By: Craddick

H.B. No. 3947

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the improper taxation of properties in certain areas
3 that do not receive full 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. TAXATION OF PROPERTIES IN CERTAIN AREAS NOT
8 RECEIVING FULL MUNICIPAL SERVICES. (a) In this section, "full
9 municipal services" means:

10 (1) the provision of police protection;

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

13 (3) the provision of emergency medical services;

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

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

20 (6) the operation and maintenance of roads and
21 streets.

22 (b) This section does not apply to an area, lot, or tract for
23 which a Home Rule municipality:

24 (1) is not currently required to provide full

1 municipal services under a service plan described by Section
2 43.056; or

3 (2) has entered into a regulatory plan or other
4 written agreement to extend the time for providing or waive
5 provision of full municipal services.

6 (c) Notwithstanding the requirement of Sec. 43.056(1), any
7 area, lot, or tract in which the home-rule municipality is not
8 providing or causing the provision of full municipal services is
9 automatically disannexed.

10 (1) If a home-rule municipality fails or refuses to
11 recognize the disannexation of an area, lot, or tract under this
12 section, a person owning real property wholly or partly located in
13 the area, lot, or tract may bring an action against the municipality
14 to recognize the disannexation of the portion of the property
15 previously located in the municipality. If the person prevails,
16 the person may recover attorney's fees and court costs resulting
17 from bringing the action.

18 (2) A municipality's governmental immunity to suit and
19 governmental immunity from liability are waived to the extent of
20 liability created by this section.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2023.