

By: Craddick, Darby, King, Patterson

H.B. No. 2494

Substitute the following for H.B. No. 2494:

By: Gates

C.S.H.B. No. 2494

A BILL TO BE ENTITLED

AN ACT

relating to disannexation of certain areas of a municipality for failure to provide services.

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

SECTION 1. Section 43.141, Local Government Code, is amended by amending Subsections (a), (b), (d), and (f) and adding Subsections (g) and (h) to read as follows:

(a) A majority of the property owners ~~[qualified voters]~~ of an ~~[annexed]~~ area, including one or more lots, tracts, or parcels, or a portion of a lot, tract, or parcel, may petition the governing body of the municipality to disannex the area if the municipality fails or refuses to provide the services described under Subsection (b)(1) or (3) or to cause those services to be provided to the area:

(1) if the area was annexed under Subchapter C-1, within the period specified by Section 43.056 or by the service plan prepared for the area under that section; ~~[or]~~

(2) if the area was annexed under Subchapter C-3, C-4, or C-5, within the period specified by the written agreement under Section 43.0672 or the resolution under Section 43.0682 or 43.0692, as applicable; or

(3) notwithstanding Section 43.0505, if the area did not become part of the municipality in compliance with and under Subchapter C.

(b) If the governing body fails or refuses to disannex the

1 area within 60 days after the date of the receipt of the petition,  
2 any one or more of the signers of the petition may bring a cause of  
3 action in a district court of the county in which the area is  
4 principally located to request that the area be disannexed. On the  
5 filing of an answer by the governing body, and on application of  
6 either party, the case shall be advanced and heard without further  
7 delay in accordance with rules for expedited actions under the  
8 Texas Rules of Civil Procedure. The district court shall enter an  
9 order disannexing the area and award attorney's fees to the signers  
10 of the petition if the court finds that a valid petition was filed  
11 with the municipality and that the municipality [~~failed to~~]:

12 (1) failed to perform its obligations in accordance  
13 with:

- 14 (A) the service plan under Section 43.056;  
15 (B) the written agreement entered into under  
16 Section 43.0672; or  
17 (C) the resolution adopted under Section 43.0682  
18 or 43.0692, as applicable; [~~or~~]

19 (2) failed to perform in good faith; or  
20 (3) has not connected the majority of the properties  
21 in the area covered by the petition, regardless of whether the area  
22 was annexed by the municipality, to the municipality's water and  
23 wastewater systems, if any other area in the municipality is  
24 connected to the municipality's water and wastewater systems.

25 (d) The petition for disannexation must:

- 26 (1) be written;  
27 (2) request the disannexation;

1           (3) be signed in ink or indelible pencil by the  
2 appropriate property owners [~~voters~~];

3           (4) [~~be signed by each voter as that person's name~~  
4 ~~appears on the most recent official list of registered voters,~~

5           [~~(5)~~] contain a note made by each property owner  
6 [~~voter~~] stating the person's residence address [~~and the precinct~~  
7 ~~number and voter registration number that appear on the person's~~  
8 ~~voter registration certificate~~];

9           (5) [~~(6)~~] describe the area to be disannexed and have  
10 a plat, survey, or other likeness of the area attached; and

11           (6) [~~(7)~~] be presented to the secretary of the  
12 municipality.

13           (f) For an area annexed under this chapter, before [~~Before~~]  
14 the petition is circulated among the property owners [~~voters~~],  
15 notice of the petition must be given by posting a copy of the  
16 petition for 10 days in three public places in the [~~annexed~~] area  
17 and by publishing a copy of the petition once in a newspaper of  
18 general circulation serving the area before the 15th day before the  
19 date the petition is first circulated. Proof of the posting and  
20 publication must be made by attaching to the petition presented to  
21 the secretary:

22           (1) the sworn affidavit of any property owner [~~voter~~]  
23 who signed the petition, stating the places and dates of the  
24 posting; and

25           (2) the sworn affidavit of the publisher of the  
26 newspaper in which the notice was published, stating the name of the  
27 newspaper and the issue and date of publication.

1        (g) If an area described by Subsection (a)(3) is disannexed  
2 in accordance with this section, the landowners of the area are not  
3 eligible for a refund of taxes or fees for the area under Section  
4 [43.148](#).

5        (h) The disannexation of an area under this section may not  
6 include land that comprises the bed of a navigable waterway.

7        SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section [39](#), Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2025.