By: Hayes H.B. No. 1193

A BILL TO BE ENTITLED

AN ACT

relating to the provision of municipal services to land annexed by a municipality for full purposes.

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

SECTION 1. Subchapter A, Chapter 43, Local Government Code, is amended by adding Section 43.006 to read as follows:

Sec. 43.006. PROVISION OF FULL MUNICIPAL SERVICES; DISANNEXATION. (a) In this section, "full municipal services" means the provision of each of the following to annexed land to allow the full development of the land consistent with existing zoning regulations, a development agreement entered into under Section 212.172, or rights that have accrued for a project under this chapter or Chapter 245:

(1) police protection;

(2) fire protection, including fire hydrants;

(3) emergency medical services;

(4) solid waste collection, other than those services that a municipality is not required to provide under Section 43.056(o) to an area subject to that section;

(5) water and wastewater facilities;

(6) roads and streets, including road and street lighting; and

(7) any other facility, building, or service to be owned by the municipality and completed at the time of annexation.

(b) This section does not apply to:

(1) land that was annexed with the landowner's consent;

(2) services provided to annexed land:

(A) under a contract between the municipality and another governmental or quasi-governmental entity; or

(B) by the holder of a certificate of convenience and necessity, other than the municipality or a municipally owned utility;

(3) services provided or to be provided under a preexisting development agreement or services agreement;

(4) land governed by a property owners' association;

(5) land serviced by a preexisting water well or septic system; or

(6) land annexed before January 1, 2000.

(c) For land annexed by a municipality for full purposes before September 1, 2027, the municipality must provide, at its cost, full municipal services to the land not later than September 1, 2031. For land annexed by a municipality for full purposes after September 1, 2027, the municipality must provide, at its cost, full municipal services to the land not later than the fourth anniversary of the annexation date.

(d) A municipality may not:

(1) charge a fee to a person for all or part of the municipality's cost to provide full municipal services to annexed land;

(2) adopt or enforce an ordinance, rule, or other

measure, or enter into an agreement, that requires a person to fund a service necessary for the municipality to:

(A) provide full municipal services;

(B) construct an improvement necessary to provide full municipal services; or

(C) dedicate land necessary to provide full municipal services; or

(3) require a person to waive a right under this section.

(e) If a municipality violates this section, an affected landowner may petition the municipality to disannex the owner's land by official action at the next regularly scheduled meeting of the governing body of the municipality.

(f) If the municipality fails to disannex an affected landowner's land by official action at the next regularly scheduled meeting of the governing body of the municipality following a petition made under Subsection (e), the affected landowner may bring an action seeking disannexation of the owner's land from the municipality, in which:

(1) the municipality has the burden of proving by clear and convincing evidence that the municipality fully complied with this section, and the court may not use a deferential standard; and

(2) if the time period for providing full municipal services under Subsection (c) has passed and the annexed land that is the subject of the action has not been provided with full municipal services:

(A) an irrebuttable presumption exists that the municipality has failed to comply with this section; and

(B) the court shall order disannexation of the land and award the landowner attorney's fees and costs.

(g) The action described by Subsection (f) is in addition to the enforcement provisions provided by Section 43.908.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.