

BILL ANALYSIS

S.B. 659
By: Buckingham
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that the City of Austin is renegeing on a prior agreement to not annex certain homeowner property along the Colorado River. There have been calls to solidify the right of these homeowners, who do not receive full municipal services, to disannex from the city. S.B. 659 seeks to address this issue by providing for the disannexation of property under certain conditions.

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

S.B. 659 amends the Local Government Code to set out disannexation procedures for an area that meets the following conditions:

- the area does not receive full municipal services and was exempt from municipal taxation for more than 20 years under an ordinance that provided that the area was exempt from taxation until full municipal services were provided; or
- the area was annexed for limited purposes before specified limited purpose annexation provisions were enacted and has not received at any time full municipal services.

S.B. 659 authorizes a person owning real property wholly or partly located in such an area to file a petition requesting the municipality to disannex the portion of the property located in the municipality. The bill requires the petition to do the following if the property is located in a subdivision:

- request disannexation of all real property in the subdivision that is located in the municipality; and
- include the signatures of owners of at least 51 percent of the property in the subdivision that is located in the municipality.

S.B. 659 requires the municipality to disannex the property described by a valid petition not later than the 30th day after the date the municipality receives the petition. The filing of the petition creates an irrebuttable presumption that the property is not a part of the municipality. The bill prohibits the presumption from being contested for any cause after the date the municipality receives the petition.

S.B. 659 authorizes the person filing the petition, if the municipality fails to disannex the property, to bring an action against the municipality to compel disannexation of the property. The person may recover attorney's fees and court costs resulting from bringing the action if the person prevails. The bill waives governmental immunity to suit and from liability of the municipality to the extent of liability created by the bill's provisions.

S.B. 659 exempts from its disannexation procedures an area annexed for limited purposes for which:

- the municipality has entered into an agreement, including a regulatory plan or an agreement with provisions related to annexation, with landowners of the area that extends the time for providing full municipal services otherwise required by specified limited purpose annexation provisions; and
- the deadline for providing full municipal services under the agreement has not elapsed.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.