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For Immediate Release

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Travis County District Court Slams City of Austin in December 8, 2023, Order: 2022 Austin City Council Violated the Prior Court Order and State Law on Zoning Notice and Protest Rights.

Today, Travis County District Court Judge Jessica Mangrum released her Order in *Acuna v City of Austin*, attached, holding that the 2022 Mayor and City Council members violated prior court orders and state law requiring the City to properly notify property owners and allow protest rights of proposed rezonings in 3 major zoning ordinances passed last year.

The Court ruling voids *ab initio* (from the beginning) three major zoning ordinances adopted in 2022: Vertical Mixed Use Amendments, Residential Uses in Commercial Development, and Compatibility. This means the prior City zoning is in effect and not the Council's rezonings under the invalid ordinances passed in 2022. The Court also held that the City staff's "administrative" rezonings without obtaining Council approval were illegal.

The Court awarded Plaintiffs their attorneys' fees and costs, which will be assessed in a future hearing. Plaintiffs expect to ask for attorneys' fees of at least \$150,000. These costs are a direct result of the City's repeated refusal to abide by state law on zoning.

Plaintiffs' attorneys now are assessing the legality of the City's rushed passage last Thursday of Council member Pool's anti single-family zoning ordinance. Ms. Pool repeatedly proclaimed that her ordinance did not change the zoning on anyone's property, which appears contrary to the Court's ruling. Nor did Ms. Pool and the Council consider the 16,000 filed protests against her ordinance, as if protest rights and their constituents' views were irrelevant.

Attorney Douglas Becker said, "After losing three times in court, we hope, going forward, that the City finally learns from this embarrassing experience, does the right thing, and respects the interests and legal rights of Austin homeowners."