

For Immediate Release

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Acuña Plaintiffs File Against City of Austin For Repeatedly Violating the Court's Injunction to Provide Notice Before Rezoning Properties

Today, the *Acuña* plaintiffs, represented by Austin attorney Doug Becker of GrayBecker, P.C., filed a motion in district court to enforce the trial court's injunction against the City of Austin. The action maintains the prior mayor, council, and city manager repeatedly violated the court's injunction in 2022 by refusing to notify tens of thousands of property owners before changing the zoning on their or nearby properties.

Attorney Doug Becker stated: "The prior council in 2022 simply disregarded the court's binding 2020 injunction order. We are asking the court to void for lack of notice the city's Vertical Mixed Use II (VMU2) Ordinance, Residential in Commercial Property Ordinance, Compatibility Ordinance, and applications under the Affordability Unlocked Ordinance. We are also requesting sanctions against the city."

On March 18, 2000, Travis County District Court Judge Jan Soifer entered in *Acuna v. City of Austin* an injunction ordering the city in the future "to send written notice to all property owners in the City of Austin, and surrounding property owners within 200 feet, whose zoning regulations or zoning district boundaries are being changed." The Court of Appeals affirmed her order on all grounds in *City of Austin v Acuna* in March 2022. The city did not appeal further.

Since last March, the prior council has repeatedly violated the law and the court's order. On June 9, 2022, it changed the zoning on thousands of Vertical Mixed Use (VMU) properties without providing notice. On December 1, 2022, it rezoned tens of thousands of commercial properties without notifying affected property owners. That same day, it passed a compatibility ordinance with grossly inadequate notice that did not even apprise property owners that their properties were affected.

Doug Becker concluded, "State law and fundamental fairness mandate that property owners-- big and small-- receive notice before their property is rezoned. The city must respect people's property rights."