

# Texas Public POLICY FOUNDATION

July 23, 2025

Tammy L. Palomino, City Attorney  
City of Dallas  
1500 Marilla Street, Room 7DN  
Dallas, Texas 75201

Re: Notice of Claim Pursuant to Tex. Civ. Prac. & Rem. Code § 102A.005

Dear Ms. Palomino:

We represent Haley Kyles, Daniel Rodriguez, and Tamara Brown, who are citizens and taxpayers of the City of Dallas. These citizens hereby notify the City of Dallas, pursuant to Texas Civil Practice and Remedies Code § 102A.005, that the City has injured them by enforcing ordinances that are preempted by state law, in violation of the Texas Constitution.

As required by § 102A.005(2), the following Dallas city ordinances have caused injury to these citizens:

1. Dallas City Charter Chapter XIII, § 5
2. Dallas City Charter Chapter XIV, § 5
3. Dallas City Charter Chapter XVI
4. Dallas City Charter Chapter XXIV, § 18
5. Dallas City Code §§ 2-5 to 2-7
6. Dallas City Code § 2-11.3
7. Dallas City Code § 2-17.3
8. Dallas City Code § 5-13
9. Dallas City Code § 5-19
10. Dallas City Code § 5-23
11. Dallas City Code § 5-25
12. Dallas City Code § 5-26
13. Dallas City Code Chapter 6A
14. Dallas City Code § 7-4.5
15. Dallas City Code § 7-4.11

16. Dallas City Code § 7-6.2
17. Dallas City Code § 7-7.3
18. Dallas City Code § 7A-19.1
19. Dallas City Code § 8A-4
20. Dallas City Code § 8A-34(j)(1)(B)
21. Dallas City Code Chapter 9A
22. Dallas City Code Chapter 11
23. Dallas City Code § 12A-5
24. Dallas City Code Chapter 12B
25. Dallas City Code Chapter 14
26. Dallas City Code § 15B-3
27. Dallas City Code §§ 15C-1 to 15C-16
28. Dallas City Code §§ 15D-1 to 15D-9.39
29. Dallas City Code § 15D-9.26
30. Dallas City Code §§ 15D-10 to 15D-64
31. Dallas City Code § 15D-46
32. Dallas City Code § 15D-70
33. Dallas City Code § 17-8.2(c)(1)(E)
34. Dallas City Code § 18-1
35. Dallas City Code § 18-3
36. Dallas City Code § 18-4
37. Dallas City Code § 18-5
38. Dallas City Code § 18-6
39. Dallas City Code § 18-7
40. Dallas City Code § 18-9(a)
41. Dallas City Code § 18-10
42. Dallas City Code § 18-11
43. Dallas City Code § 18-17
44. Dallas City Code § 18-30
45. Dallas City Code §§ 18-32 to 18-51
46. Dallas City Code § 18-38(a)
47. Dallas City Code § 18-39
48. Dallas City Code §§ 18-52 to 18-54
49. Dallas City Code § 18-52(a)
50. Dallas City Code §§ 18-55 to 18-66
51. Dallas City Code § 18-58
52. Dallas City Code § 18-59
53. Dallas City Code § 18-60
54. Dallas City Code Chapter 19, Article XI
55. Dallas City Code § 19-118.3
56. Dallas City Code Chapter 20A
57. Dallas City Code § 20A-4.1
58. Dallas City Code Chapter 25
59. Dallas City Code Chapter 25A

60. Dallas City Code Chapter 27
61. Dallas City Code § 28-161
62. Dallas City Code § 28-168
63. Dallas City Code § 28-170
64. Dallas City Code § 28-173
65. Dallas City Code § 31-3
66. Dallas City Code Chapter 32, Article IV
67. Dallas City Code Chapter 32, Article V
68. Dallas City Code Chapter 32, Article VI
69. Dallas City Code § 32-3
70. Dallas City Code § 32-7
71. Dallas City Code § 32-11.4
72. Dallas City Code § 32-74
73. Dallas City Code Chapter 33
74. Dallas City Code § 34-5
75. Dallas City Code § 34-6
76. Dallas City Code § 34-9
77. Dallas City Code §§ 34-15 to 34-21
78. Dallas City Code §§ 34-22 to 34-31.1
79. Dallas City Code § 34-30
80. Dallas City Code § 34-35
81. Dallas City Code § 34-38
82. Dallas City Code § 34-39
83. Dallas City Code §§ 34-32 to 34-33
84. Dallas City Code § 34-36
85. Dallas City Code §§ 34-38 to 34-40
86. Dallas City Code § 34-43
87. Dallas City Code § 34-45
88. Dallas City Code Chapter 38
89. Dallas City Code Chapter 38A
90. Dallas City Code Chapter 39A, portions preempted by Tex. Prop. Code § 21.046
91. Dallas City Code Chapter 39B
92. Dallas City Code Chapter 40A
93. Dallas City Code Chapter 40B
94. Dallas City Code Chapter 41A
95. Dallas City Code Chapter 42
96. Dallas City Code § 42A-15
97. Dallas City Code § 42A-28.7
98. Dallas City Code § 42A-37
99. Dallas City Code Chapter 43, Article VI, Division 3
100. Dallas City Code §§ 43-126.3 to 43-126.14
101. Dallas City Code § 43-126.12
102. Dallas City Code §§ 43-126.15 to 43-126.31

103. Dallas City Code § 43-140
104. Dallas City Code § 43-170
105. Dallas City Code Chapter 45
106. Dallas City Code Chapter 46
107. Dallas City Code § 46-6.1
108. Dallas City Code § 46-7
109. Dallas City Code Chapter 47A, Article II, Division 5
110. Dallas City Code § 47A-2.4.2
111. Dallas City Code Chapter 48
112. Dallas City Code § 48A-29
113. Dallas City Code Chapter 48C
114. Dallas City Code § 48C-30
115. Dallas City Code Chapter 49
116. Dallas City Code § 49-21.1
117. Dallas City Code Chapter 50, Article XI
118. Dallas City Code §§ 50-79 to 50-86
119. Dallas City Code § 50-79(3) & (5)
120. Dallas City Code §§ 50-99 to 50-112
121. Dallas City Code §§ 50-113 to 50-130
122. Dallas City Code §§ 50-131 to 50-143
123. Dallas City Code §§ 50-162 to 50-167
124. Dallas City Code Chapter 51A, portions preempted by Tex. Prop. Code Chapter 301 or Tex. Prop. Code Chapter 94
125. Dallas City Code Chapter 51A, Article XII
126. Dallas City Code § 51A-4.203(b)(3.2)
127. Dallas City Code § 51A-8.511
128. Dallas City Code § 51A-11.301
129. Dallas City Code § 51A-10.135(f)
130. Dallas City Code § 52-610
131. Dallas Ordinance No. 21521
132. Dallas Ordinance No. 32346
133. Dallas City Council Resolution 15-2141

This list is generally drawn from an April 26, 2023 Memorandum from the City of Dallas to Representative Rafael Anchia on HB 2127, providing a list of city ordinances that would be preempted should HB 2127 pass. The bill did pass, was signed by Governor Abbott, and took effect on September 1, 2023. Accordingly, by the City's admission, the ordinances listed above are preempted.

The City of Dallas spends public funds to investigate, enforce, and monitor compliance with the listed ordinances. Because these ordinances are preempted, these efforts and expenditures are illegal under the Texas Regulatory Consistency Act and the Texas Constitution. Accordingly, the City's expenditures related to these illegal ordinances have injured and continue to injure these taxpayer citizens of Dallas.

These citizens respectfully request that the City of Dallas repeal or otherwise amend the listed ordinances to conform to the Texas Regulatory Consistency Act. If the City fails to do so, these citizens will bring an action under Texas Civil Practice and Remedies Code § 102A.003 seeking declaratory and injunctive relief and costs and reasonable attorneys' fees.

Thank you for your attention to this matter.

Sincerely,

Matthew Chiarizio  
Nathan Seltzer  
Texas Public Policy Foundation  
Counsel for Haley Kyles, Daniel Rodriguez, and Tamara Brown

cc:  
Biliera Johnson, City Secretary