

TAXPAYER PROTECTION PROJECT

# DE-CHARTERED TERRITORY: TEXAS CAPITOL DISTRICT

WRITTEN BY

**John Bonura and Judge Shepard**

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## KEY POINTS

- **Austin has failed** to uphold its obligations to its citizens under the social contract.
- **Crime, homelessness, and taxation** have become untenable.
- In Jackson, Mississippi, where this policy has been implemented, overall crime decreased by 22.2% in 2024.

## EXECUTIVE SUMMARY

The city of Austin, as the capital of Texas, should be an example to the nation—and the world at large—of the Texas genius, spirit, and promise. Unfortunately, thanks to the city's inept mismanagement, Austin has become more of a cautionary tale. Austin's failure to curb crime, decrease homelessness, or rein in excessive taxation necessitates a change in the way the city is administered.

The purpose of this paper is to present the case for revoking the city's home-rule charter and to instead create a capitol district. This research will examine the obligations that a government has to its citizens under the social contract, how the city of Austin has failed to live up to those obligations, and, finally, what a capitol district could look like based upon practical examples.

## INTRODUCTION

In the United States of America, the philosophical basis for the legitimacy of a government is the social contract. Under the social contract, man leaves the "state of nature," which is "the natural condition of mankind... a state of perfect and complete liberty to conduct one's life as one best sees fit, free from the interference of others," and submits voluntarily to the authority of a government ([Internet Encyclopedia of Philosophy, n.d.](#)). Man enters into this arrangement of his own free will, as the state of nature is less fruitful than a collective arrangement and less secure than living with other men in a society or city.

In return for submitting to the laws and customs of the city, the government is obligated to protect the natural rights of its citizens, as per the social contract. Chief among these natural rights are life, liberty, and property. If a government fails to protect these rights or if the government itself violates them, then the people have the right to petition for the redress of these grievances. If the violations continue, the legitimacy of the government is compromised, and the people have within their ambit the right to "dissolve

the political bands which have connected them with another," and are free to institute a new creation which better protects natural rights and performs the necessary functions to do so ([National Archives, n.d.](#)).

It is through this philosophical lens that this report considers the city of Austin and its fulfillment (or lack thereof) of the social contract. As this research paper will explore, the city has failed to hold up its obligations to protect the natural rights of its residents, as the municipal government's extremist policies have created dire social conditions characterized by rampant homelessness, excessive taxation, and an increasingly unsafe environment where crime flourishes.

Because of the city's prominence as the capital of arguably the most influential state in the nation—and just as often a host for international delegations—the Texas Legislature should consider revoking the city of Austin's home-rule charter and instead establish a new state-governed entity that is both narrowly focused on core functions and intentionally designed to exude the best of free market ideals.

## **WORSENING PUBLIC SAFETY**

Within the appropriate constitutional boundaries, public safety is a core function of government and a chief reason for its establishment. This sentiment has been echoed by President Ronald Reagan when he said, "Government's first duty is to protect the people" ([Reagan, 1981](#)). Yet despite its philosophical importance, serious and legitimate concerns exist that the city of Austin has been grievously mishandling the issue of public safety. This is evidenced, in large part, by persistent and pronounced crises related to homelessness and crime.

### ***Homeless Crisis***

Austin has a multi-faceted public safety problem that is rooted in radical ideology and poor public policy. One of these problem areas is Austin's approach to homelessness. The city's attempt to tackle homelessness rests heavily on the Housing

First model, which is grounded in the belief that "the homeless [should] receive housing for life as the 'solution' to the often very complex challenges they are facing" ([Texas Public Policy Foundation, n.d., para. 5](#)). As further explained by the City of Austin's Homeless Strategy Office, the principles that chiefly animate the Housing First model—and to which the city adheres—include that:

- "Homelessness is foremost a housing problem and should be treated as such
- Permanent housing is a right to which all are entitled
- People should be returned to or stabilized in permanent housing as quickly as possible and connected to necessary resources to sustain housing
- Issues that may have contributed to a household's homelessness can best be addressed once they are permanently housed" ([City of Austin, Homeless Strategy Office, 2024, p. 9](#)).

A practical consequence of the city's Housing First-heavy approach is an increase in government dependency and an expansion of the welfare state. This stems from the government's provision of "life-long subsidized housing, without treatment services, to all struggling with homelessness" ([Steeb, 2022, para. 12](#)). The mindset of simply giving people housing is the solution to homelessness is wrong, expensive, and expands municipal authority beyond its original intent. Too, as previously mentioned, the Housing First model does not require a recipient to undergo treatment as a condition of receiving public benefits. As a result, the model and the city's use of it have proven ineffective at ameliorating the problem.

Evidence of the city's ineptitude may be observed at places like the Greenbelt, which are now occupied zones with makeshift gates and signs warning people to keep out, claiming public areas for

### Image 1

*Photo of a Homeless Encampment in the Greenbelt, in Austin, TX*



**Note.** Image taken from @DocumentingATX (<https://x.com/documentingatx/status/1863640679487811890?s=46>)

themselves. Human waste, trash, and hazardous drug paraphernalia have been found off hiking trails, highways, and, in some instances, spilling into water sources (DASH, 2024) (see **Image 1**). At least two separate instances occurred during the summer of 2023 when improperly attended campfires got out of control, burning dry, drought-starved grass. In these instances, no one's person or private property was harmed, but with the arid nature of central Texas summers, if left unchecked, it would only be a matter of time until one of these fires spread fast and hot enough to pose significant risk to people and property.

### **Camping Ban Failure**

In 1998, the city of Austin passed its first public camping ban. This ban was intended to keep public areas safe and accessible, but in 2019, the city council repealed the ban. The repeal of the ban—coupled with the movement to defund the police, which cut Austin Police Department (APD) funding by \$150 million—led to an unmanageable population of unsheltered homeless in the city center and in green spaces.

Walking down Congress Avenue, for example, people are bound to encounter homeless individuals sleeping on the sidewalk or curled up against business entrances to shelter from the elements. The problem has become so prevalent that local businesses "have hired private security guards to patrol the sidewalks" (Hollis, 2023, para. 1). The problem had grown so large that just two years later, the people of Austin voted to pass Proposition B in 2021, which reinstated the camping ban in the city. The city also tried to rebuild its police force by increasing funding. However, even a favorable contract with APD could not fix the morale problem and the stigma associated with even being a police officer. The results of these policies are that Austin now lacks both the political will and manpower to enforce the reinstated ban and other public nuisance ordinances.

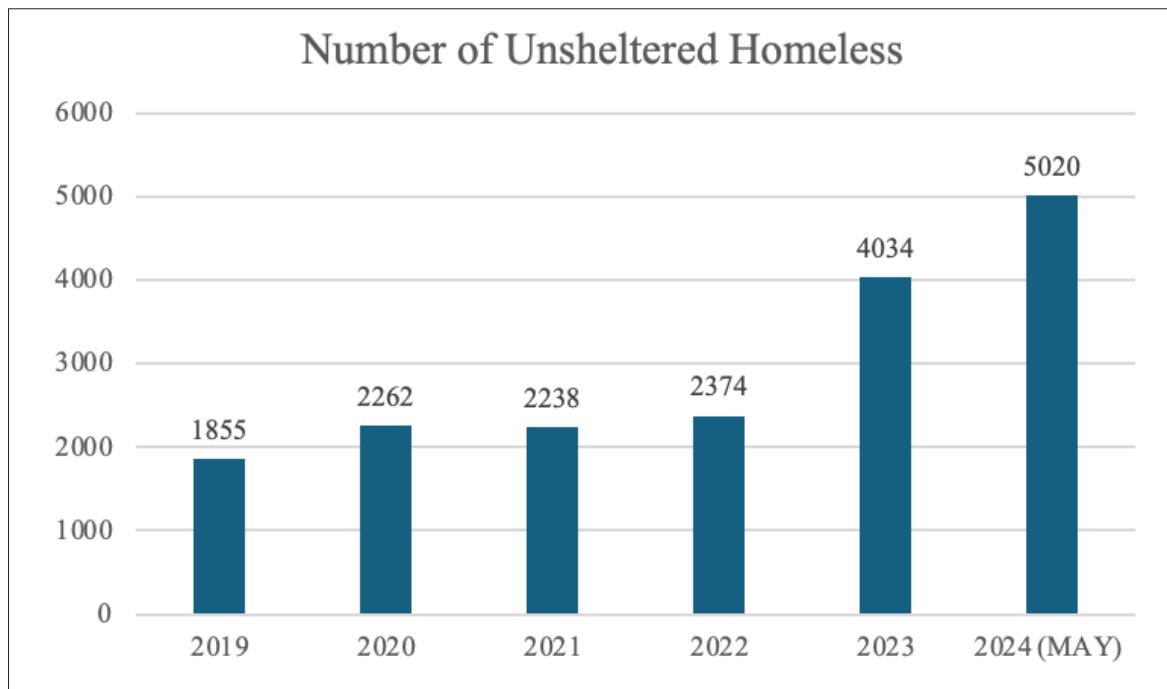
Locally, it has been estimated that "at least 6,235 people experienced homelessness in Austin or Travis County on a single day in May 2024" (ECHO, 2024) (see **Figure 1**). As of May 2024, there are an estimated 5,020 unsheltered homeless people in Austin or Travis County (ECHO, 2024). In fact, the city of Austin has a budget allocation of \$95.3 million to combat homelessness (City of Austin, 2024b, p. 38). Of this amount, the city has spent roughly \$83.2 million, as of January 1, 2024 (City of Austin, 2024b, p. 38). However, increased government spending has not proven to be an effective solution, especially considering the nature of the funding. These monies originated from the federal government via the American Rescue Plan Act of 2021 (ARPA) and the Coronavirus State and Local Fiscal Recovery Fund (SLRCF) (City of Austin, 2024b, p. 38).

### **Rising Crime**

Over the years, Austin municipal leadership has become increasingly more progressive. At the same time, the city's willingness to enforce the law has weakened, and its tolerance for putting the community at risk of public safety threats has increased. Consider the following evidence from the Austin Police Department's 2022 "Annual Crime and Traffic Report":

**Figure 1**

*Number of Unsheltered Homeless in Austin/Travis County as of May 2024*



- Austin's violent crime rate of 540 per 100,000 residents increased 10% as compared with 2021.
- The aggravated assault rate of 381 per 100,000 represents a 15% increase as compared with 2021.
- The violent crime clearance rate increased from 41% in 2021 to 43% in 2022.
- Fatal crashes increased from 111 in 2021 to 116 in 2022 (Davis, 2024, p. ii).

As may be observed from the data, the city experienced a short, sharp increase in some of the worst categories of crime around the time of the pandemic. This uptick in criminal activity appeared to have sustained and worsened in the short period thereafter.

In 2022, both the violent crime rate and the property crime rate in Austin were higher than the national average (U.S. News & World Report, 2024). Further, Austin's homicide rate was "trending above the state

and national average" as of July this year (Velez, 2024). According to APD Homicide Sergeant Nathan Sexton, "The last four years have definitely been the most murderers that we've ever had" (Velez, 2024). This disturbing account and these alarming data points only further underscore the immediate need for the city to properly manage its law enforcement resources.

Even though there have been efforts to reinvigorate recruitment of police officers after the 2020 nationwide movement to abolish the police, APD has remained understaffed. Out of the 1,812 authorized positions for sworn officers, only 1,484 are filled as of June 2024, according to an APD spokesperson speaking with the Austin Monitor (Clifton, 2024). This personnel shortage of roughly 400 officers restricts the number and type of crime to which APD is able to respond. This is not the fault of the officers who are brave enough to serve the public but is the result of progressive municipal policy that slashed funding and eroded morale.

## THE UNTENABLE TAX BURDEN

Austin's long-term taxpayer abuse has fostered an environment where housing affordability is scant and economic mobility is difficult. While taxes are necessary for government to function, they are not meant to be a windfall for governments. In an Austin Monitor article published on July 15, 2025, City Demographer Lila Valencia's presentation to the Airport Advisory Commission was quoted as saying, "Right now, our affordability is not what it has been in the past... (It) is causing a pressure outward." (Fisher, 2025). The city has reached a point where the taxes levied are so burdensome that those who have the means to do so leave for more affordable surrounding areas.

Furthermore, major taxing units have overburdened their constituents by raising taxes at a rate that outpaces population growth and increases in

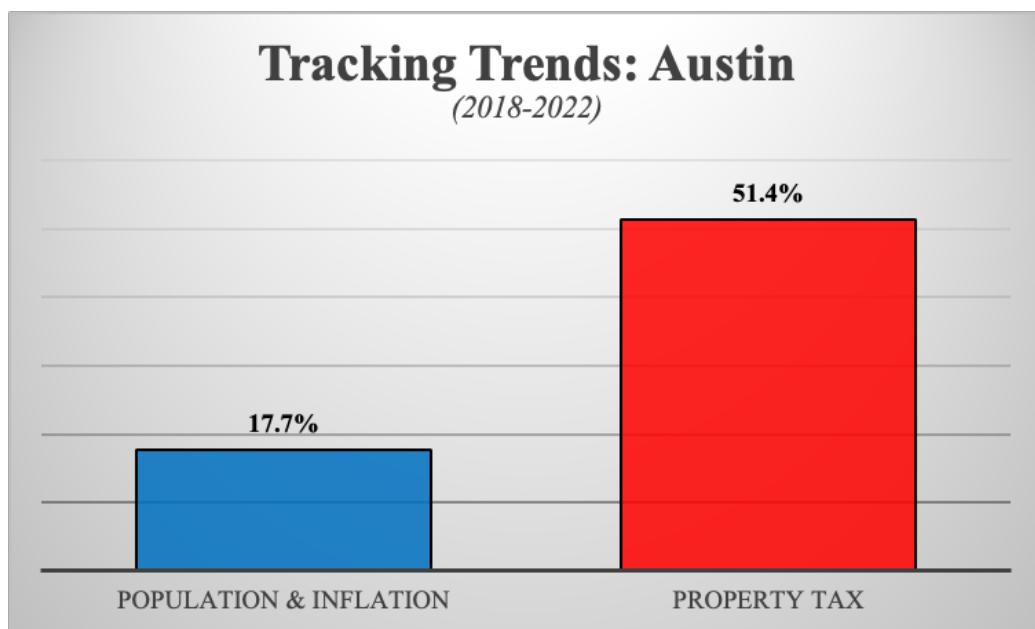
inflation (see **Figures 2 and 3**). Taxes have increased so sharply that even having children has become difficult in the state's capital city. According to Austin ISD's own reports, student enrollment at nearly every K-12 grade is falling and is projected to fall even lower (Weiss, n.d.).

## CONGESTION NIGHTMARE

Austin has experienced vigorous growth over the last decade, and still more growth is expected. One report suggests that the Austin Metropolitan Area will grow by 15.8% from 2020 to 2030 (Austin Demographics, 2024). Another report observes that the Austin region's growth historically doubles every "20 to 30 years" (City of Austin, 2019, p. ix). But while Austin enjoys great popularity, it is not without a host of problems, with certain issues being so pronounced that the city's appeal may well be in jeopardy if sweeping changes are not soon made.

**Figure 2**

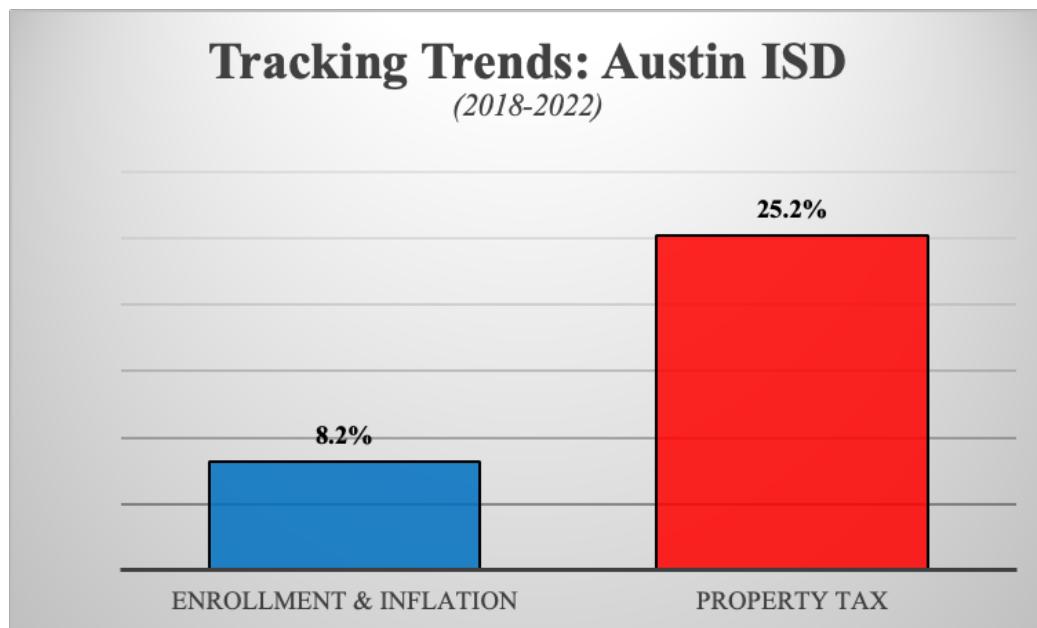
*Population & Inflation and Property Tax Levy Increases in the City of Austin from 2018 to 2022*



**Note:** Data from *Just the Facts: Property Taxes, 3rd edition*, by Texas Public Policy Foundation, 2023 (<https://www.texaspolicy.com/just-the-facts-property-taxes-3rd-edition/>)

**Figure 3**

*Enrollment & Inflation and Property Tax Levy Increases in Austin ISD from 2018 to 2022*



**Note:** Data from *Just the Facts: Property Taxes, 3rd edition*, by Texas Public Policy Foundation, 2023 (<https://www.texaspolicy.com/just-the-facts-property-taxes-3rd-edition/>)

One such brewing crisis is traffic congestion. According to a Consumer Affairs compilation of traffic data, Austin ranked 15th highest in the nation in 2025, higher than in 2024 when Austin was ranked 17th in the nation (Shibley, 2025). Further, the data maintains that Austin drivers contend with 30% more weekday congestion time than the national average (Shibley, 2025). According to the INRIX 2024 Global Traffic Scorecard, poor policy regarding traffic congestion can even result in a measurable economic loss. INRIX operationalizes this economic loss through loss of productivity due to time lost in traffic. They accomplish this by "analyzing peak speed and free-flow speed data for the busiest commuting corridors and sub-areas as identified by origin and destination patterns unique to that area" (Pishue & Kidd, 2025, p. 9). The time lost is then compared to hourly values of time based on the U.S. Federal Highway Administration's *Revised Guidance on Valuation of Travel Time for Economic Analysis, 2016*, which when adjusted for inflation is \$17.90 (Pishue & Kidd, 2025, p. 9). Based on these data points, the loss of both time

in 2024—39 hours—and productivity, Austin drivers lost, on average, \$698 for each driver, which means the city itself lost \$700 million over the year (Pishue & Kidd, 2025).

Traffic congestion is not a new issue. The city itself notes the results of a poll showcased in Austin's 2017-2018 approved budget. City staff wrote,

[T]raffic flow was consistently rated as the top issue confronting the City regardless of geographic location or demographic differences...when asked an unprompted question about the single most important issue facing Austin, 47% of participant responses involved traffic, transportation, or roads. The next closest responses were housing at 14% followed by cost of living at 8%. (City of Austin, 2017, p. 22)

Such strong opinions revealed in that poll were further corroborated by city data. One of the Austin Transportation Department's performance

measures tracked the percent of residents who were “satisfied” or “very satisfied” with traffic flow on major streets (see **Figure 4**) (City of Austin, 2018, p. 229). The figures unmistakably show that the public is dissatisfied with traffic congestion trends. In 2016, only 10% of respondents were favorably inclined to Austin traffic conditions, meaning that 9 out of 10 people surveyed thought things could be better (City of Austin, 2018, p. 229). Over the last few years, public approval has increased slightly to 18% today, but even still, 8 out of 10 Austinites believe that the city’s roadways are too congested (City of Austin, 2018, p. 229).

Public opinion stands strongly against bureaucratic decision-making in the Austin metropolitan area. But while there is near-universal frustration, too few understand the problem that elected officials have

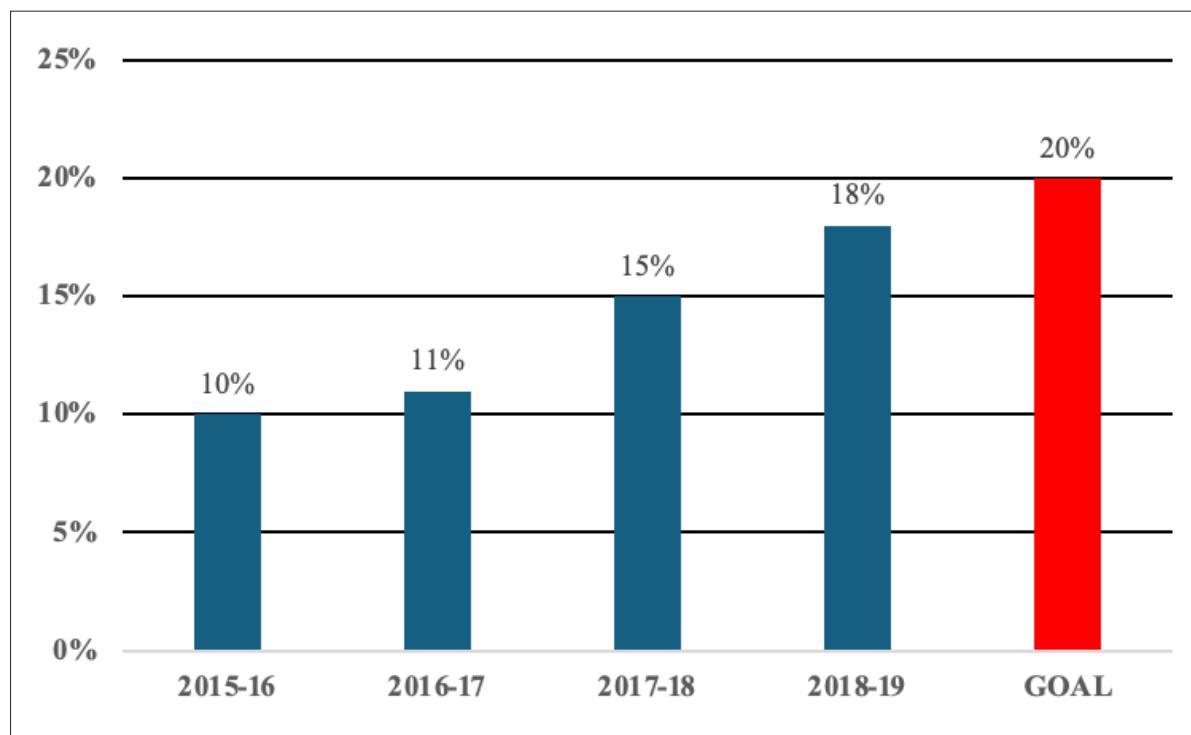
abdicated their duty to entrenched bureaucrats let alone how to best solve it, and even fewer recognize the undercurrents that are making it worse: progressive politics and central planning.

## AUSTIN’S UNIQUE POSITION

As the seat of government, Austin is home to not only the state legislature, but also to the Texas governor’s mansion, the Supreme Court of Texas, and numerous other statewide offices. The Texas capital city is also home to the flagship university, multiple historical sites, museums, and other significant cultural entities. Being more than just a tourist attraction, Austin is the capital city of one of the most influential states in the nation, and, arguably, one of the most influential actors in the world. With a GDP of \$2.6 trillion, Texas, if it was an independent nation, would have the 8th largest economy in the world.

**Figure 4**

*ATD: Percent of Residents “Satisfied” or “Very Satisfied” with Traffic Flow on Major Streets*



**Note:** Information taken from City of Austin 2018-19 Approved Budget ([https://assets.austintexas.gov/budget/18-19/downloads/FY19\\_Approved\\_FINAL.pdf](https://assets.austintexas.gov/budget/18-19/downloads/FY19_Approved_FINAL.pdf))

Visitors travel by the thousands to Austin every year. The establishment of a Texas Capitol District (TCD) would allow those visitors to get a true experience of how Texas life is for the majority of Texas, not just those who live in Austin. Austin, as the Capitol, belongs to all Texans, and their safety and access—not wishful progressive policy—should be the main focus of the city.

## PRACTICAL EXAMPLES

A Texas Capitol District would also express the particular culture and genius of the Texas people. The TCD should function similar to a “Liberty City.” A Liberty City is a city “that incorporates for the express purpose of maintaining limited government, pro-free market policies, and protecting the rights of its citizens” ([Fields, 2015, p. 1](#)). There have been two cities incorporated in Texas that have followed this philosophy. Van Ormy, a small suburb of San Antonio, was formed in 2008 and eliminated property taxes by 2014. This action inspired nearby Sandy Oaks to incorporate the same year ([Fields, 2015](#)). Using these cities as examples, the TCD could be structured in a similar fashion and statutorily set forth a framework that would:

- *Lower taxes*, most specifically property taxes. This would give property owners much needed relief, allowing money that homeowners or businesses would have to spend on taxes to instead circulate directly into the city’s economy.
- *Rein in spending*, which would help ease the financial burden and debt incurred by the city. The Capitol District’s spending should only reflect those expenditures that are necessary for key public services, such as water, electricity, public safety, and transportation. Further, this goal of reigning in spending could be accomplished by contracting out or reducing and eliminating some current services.
- *Lower debt*, as the Capitol District would assume all debts of the city of Austin and aim to take on less debt whilst eliminating current debt.

- *Eliminating regulations that touch upon everyday norms and freedoms* and preventing the further passing of such regulations. For example, this could include a simplification of the construction permitting processes in Austin, which would allow for more development of housing.
- *Ensure that the rights of Texans are upheld* and prevent the government from infringing upon those rights via municipal ordinances that interfere with individual liberty.

Recently, Jackson, Mississippi, the capital city of Mississippi, enacted its own creation of a capitol complex. Known as the Capitol Complex Improvement District (CCID), it was created by Mississippi House Bill 1226 in 2017 ([HB 1226, 2017](#)). The CCID was initially designed to provide regular funding for infrastructure projects surrounding the Mississippi Capitol, including numerous universities, state agencies, the Mississippi Supreme Court, the Governor’s Mansion, a medical school, and several historic neighborhoods ([CCID, n.d.](#)). However, the bill contained language authorizing the Mississippi Department of Finance & Administration (DFA) and/or the Mississippi Department of Public Safety (on behalf of the DFA) to “make arrests for any violation of any law of the State of Mississippi on those grounds of or within those properties” ([HB 1226, 2017, pp. 12-13](#)).

Drawing on similarities between the cities of Jackson and Austin, if the former city—a Democrat-controlled city—can work with their majority Republican state legislature and Republican governor, then there is hope that Austin—a city who is in the exact same position—can do the same.

## RECOMMENDATIONS

As the city of Austin has failed to provide public safety and has mismanaged its power to levy taxes, there is no question that its governance needs to change. Going into the 90th Legislative Session, there are two recommendations legislators should consider regarding the Texas Capitol.

Similar to HB 274 from the 89th Legislative Session, (2025) the Local Government Code should be amended to add a chapter that creates the District of Austin as the seat of government in Texas. The chapter added would:

- Define the district boundaries.
- Provide for the transition of records, money, contracts, etc., from the city of Austin to the District of Austin to mitigate any interruption of services.
- Outline how the District would be administered.

The main difference between this recommendation and HB 274 is that instead of granting the District of Austin home-rule status, the District should have general-law status. The difference between these two designations is that a home-rule city has a much wider degree of self-governance and can adopt their own charter by which the city operates, while a general-law city has much more limited authority and is subject to laws established by the legislature for governance, elections, and public services. Allowing the District to operate as a home-rule city would defeat the purpose of creating the District, which is to address the mismanagement of Austin by its governing body. The aim of the District of Austin would be to reflect the values of the "Liberty Cities," like committing to limited spending, eliminating unnecessary regulation, and ensuring that the rights of Texans are upheld.

Another option that legislators could consider is expanding the existing Capitol Complex. Similar to HB 470 from the 89th Legislative Session (2025), the Texas Government Code would be amended to expand the Capitol Complex, or the area where Texas DPS has authority. This would have the effect of providing a wider range of resources for public safety. The feasibility of such an expansion is evident in the Jackson CCID, which is much larger than the proposed Capitol Complex expansion outlined in HB 470, as the Jackson CCID covers roughly ten square

miles. Even with this relatively large area, the collaboration between the Jackson Police Department and the Capitol Police has resulted in a 22.2% decrease in overall crime in 2024 (Drape, 2024). Since the area proposed in HB 470 is much smaller, using Texas DPS in collaboration with the Austin Police Department should at least be able to replicate those results.

## CONCLUSION

The city of Austin has not upheld its end of the social contract in critical ways. It has failed to protect the safety of the community; its policies have led to a year-after-year increase in the number of vulnerable, chronically unsheltered individuals; it has created an affordability crisis; and its policies have resulted in congested roadways. Because of these failures, the city can no longer be trusted to govern in its existing form. The people of Austin would be best served by the creation of a Texas Capitol District, which would be governed by the legislature and policed by the Texas Department of Public Safety. Alternatively, if the time is not yet ripe for the creation of a Capitol District, then, at the bare minimum, an expansion of the Capitol Complex would help alleviate the public safety issues borne from the city of Austin's failed and misguided policies. ■

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## ABOUT THE AUTHORS



**John Bonura** is a Policy Analyst for the Taxpayer Protection Project with Texas Public Policy Foundation.

Prior to joining TPPF John served in the University system as a Graduate Assistant until he was given the opportunity to teach Principles of American Government. John holds a Master of Arts in Political Science from Texas State University and a Bachelor of Arts in Political Science from Sam Houston State University.



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Judge holds a B.S. in Forensic Chemistry from the University of Mississippi and a J.D. from Mississippi College School of Law. While attending MC Law, he held the position of Senator for the Law Student-Body Association, was selected as a member of the Dean's Ambassadors, and served as an intern at the Reuben V. Anderson Center for Justice.

Although born and raised in West Monroe, Louisiana, Judge's family roots are deeply embedded in Texas. He is the paternal great-grandson of J.W. Shepard of Plano, Texas, and his maternal descendants are of The Old 300. Prior to joining the Foundation, Judge held positions including Residential Appraiser for Travis Central Appraisal District, Associate at Breithaupt, DuBos & Wolleson, LLC, as well as Director of Ground Operations for his family's farm in Morehouse Parish, Louisiana.

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