



Nightmare on ETJ Street: ETJ Releases, Process, and Procedures

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SB 2038 – ETJ Release

- S.B. 2038 amends Chapter 42, Texas Local Government Code relating to release of an area from a municipality's extraterritorial jurisdiction by petition or election.



SB 2038 Petition

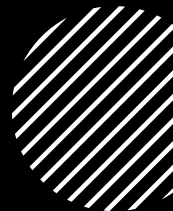
TLGC - Subchapter D, Chapter 42 - Release by Petition

- A resident of an area in the ETJ may file a petition with the City to be released from the ETJ.
- Petition for the release of an area of the ETJ:
 - More than 50% of the registered voters of the area, or
 - The owner or owners of the majority in value of an area.
 - 180 days to get signatures & must include a map and boundary description.





TLGC Subchapter D, Chapter 42 - Petition



Must be verified by the City Secretary



Shall notify the residents of the area of the results of the petition (can be to the person who filed the petition)



If required signatures are obtained, the city shall immediately release the area from the ETJ



If a city fails to take action to release the area by the later of the 45th day after the date the city receives the petition or the next meeting of the governing body that occurs after the 30th day after the date the city receives the petition, **the area is released by operation of law.**

SB 2038 Election

Chapter 42 Subchapter E - Request an Election for Release

- A resident of the ETJ may request the City hold an election to determine whether to release an area from the ETJ
- Petition requires at least 5% of the registered voters residing in the area as of the date of the preceding uniform election date
- Must include a map and boundary description (metes & bounds or lot & block numbers)
- Cannot submit the same (or substantially the same) request for 2 years



Subchapter E, Chapter 42 - Election

- City shall order an election on the first uniform election date that falls on or after the 90th day after the date the city receives the petition
- Qualified voters of the area described in the petition may vote
- The election must be held in the same manner as general elections of the city. **The city shall pay for the costs of holding the election**
- If approved, must immediately release the area from the ETJ
- If the city fails to act by the next meeting or 15 days after the canvass date, the area is released by operation of law



Applicability

- The law includes some exceptions:
 - Within 5 miles of the boundary of a military base.
 - An area that was voluntarily annexed into the ETJ that is located in certain counties (based on population over 240,000 and more than 50% growth from 2010-2020)
 - Within the portion of the ETJ of a City with a population of more than 1.4 million that is within 15 miles of a military base in a county with a population over 2 million (Bexar, Tarrant, Dallas, Harris)
 - In an area designated as an industrial district under LGC Sec.42.044
 - In an area subject to a strategic partnership agreement entered into under LGC Sec.43.0751

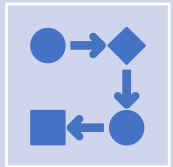
Other changes...

Annexations commenced after January 1, 2023, do not expand the ETJ unless the owners of the area that would be included in the ETJ request that the area be included.

Areas removed from the city's ETJ are no longer subject to LGC Chapter 242 agreements (interlocal agreement between city & county for platting in the ETJ) and are only subject to County subdivision regulation.



Legal Ponderings . . .



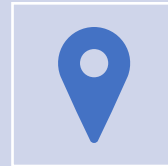
Process



Petition Fee



Development
Agreements



Industrial Districts