Beyond Boundaries: Land Use in the ETJ

- Skye Masson, City of Georgetown
- Matthew Festa, South Texas College of Law Houston

1

UT Land Use Conference

ETJ: Cities Outside Themselves



Matthew J. Festa, J.D., M.A., M.P.A.

Professor of Law

South Texas College of Law Houston



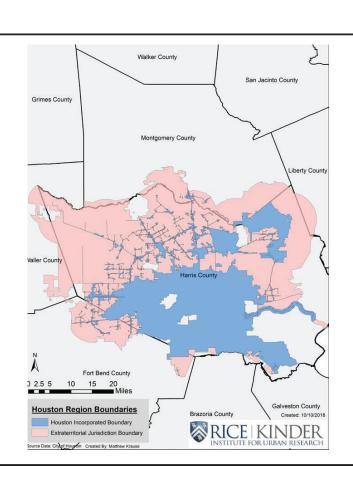
Texas Extraterritorial Jurisdiction (ETJ)

- 1963 Statute: Tex. Local Gov't Code Ch. 42.
- Purposes—
 - Control development
 - Prepare for annexation . . .
 - And the ETJ expands after annexation
- U.S. Supreme Court: upholds state grant of ETJ power where residents can't vote. *Holt Civic Club v. Tuscaloosa* (1978)
- 1990s: annexation slows down
 - Unpopular annexations; Legislative reforms
- 2010s: additional annexation/ETJ reforms

2

Houston ETJ, 2017

Source: Governing A Growing Region: Addressing Challenges of Service Provision and Development in Houston, Rice Kinder Institutue (2018)



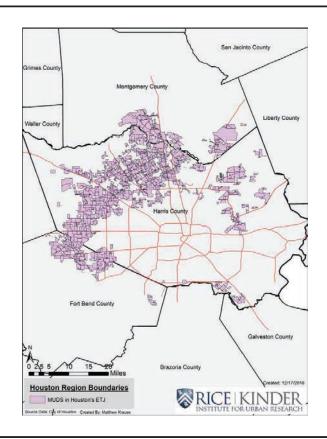
ETJ Critiques

- Regulations without services
- Voting rights
- Remoteness of city government
- Residents' ability to choose form of governance
- Counties' expanded obligations
- Prevents new municipalities
- With annexation reform—what do we do with the ETJ??

5

MUDS in Houston ETJ, 2017

Source: Kinder Institute (2018)







Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: Beyond Boundaries: Land Use in the ETJ

Also available as part of the eCourse Annexation

First appeared as part of the conference materials for the $24^{\rm th}$ Annual Land Use Conference session "Beyond Boundaries: Land Use in the ETJ"