

1 AN ACT

2 relating to release of an area from a municipality's
3 extraterritorial jurisdiction by petition or election.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 42, Local Government Code, is amended by
6 adding Subchapters D and E to read as follows:

7 SUBCHAPTER D. RELEASE OF AREA BY PETITION OF LANDOWNER OR RESIDENT
8 FROM EXTRATERRITORIAL JURISDICTION

9 Sec. 42.101. APPLICABILITY. This subchapter does not apply
10 to an area located:

11 (1) within five miles of the boundary of a military
12 base, as defined by Section 43.0117, at which an active training
13 program is conducted;

14 (2) in an area that was voluntarily annexed into the
15 extraterritorial jurisdiction that is located in a county:

16 (A) in which the population grew by more than 50
17 percent from the previous federal decennial census in the federal
18 decennial census conducted in 2020; and

19 (B) that has a population greater than 240,000;

20 (3) within the portion of the extraterritorial
21 jurisdiction of a municipality with a population of more than 1.4
22 million that is:

1 program is conducted; and

2 (B) in a county with a population of more than two
3 million;

4 (4) in an area designated as an industrial district
5 under Section 42.044; or

6 (5) in an area subject to a strategic partnership
7 agreement entered into under Section 43.0751.

8 Sec. 42.102. AUTHORITY TO FILE PETITION FOR RELEASE. (a) A
9 resident of an area in a municipality's extraterritorial
10 jurisdiction may file a petition with the municipality in
11 accordance with this subchapter for the area to be released from the
12 extraterritorial jurisdiction.

13 (b) The owner or owners of the majority in value of an area
14 consisting of one or more parcels of land in a municipality's
15 extraterritorial jurisdiction may file a petition with the
16 municipality in accordance with this subchapter for the area to be
17 released from the extraterritorial jurisdiction.

18 Sec. 42.103. APPLICABILITY OF OTHER LAW. Chapter 277,
19 Election Code, applies to a petition requesting removal under this
20 subchapter.

21 Sec. 42.104. PETITION REQUIREMENTS. (a) A petition
22 requesting release under this subchapter must be signed by:

23 (1) more than 50 percent of the registered voters of
24 the area described by the petition as of the date of the preceding
25 uniform election date; or

1 of the applicable central appraisal district.

2 (b) A person filing a petition under this subchapter must
3 satisfy the signature requirement described by Subsection (a) not
4 later than the 180th day after the date the first signature for the
5 petition is obtained.

6 (c) A signature collected under this section must be in
7 writing.

8 (d) The petition must include a map of the land to be
9 released and describe the boundaries of the land to be released by:

10 (1) metes and bounds; or

11 (2) lot and block number, if there is a recorded map or
12 plat.

13 Sec. 42.105. RESULTS OF PETITION. (a) A petition
14 requesting removal under this subchapter shall be verified by the
15 municipal secretary or other person responsible for verifying
16 signatures.

17 (b) The municipality shall notify the residents and
18 landowners of the area described by the petition of the results of
19 the petition. The municipality may satisfy this requirement by
20 notifying the person who filed the petition under Section 42.102.

21 (c) If a resident or landowner obtains the number of
22 signatures on the petition required under Section 42.104 to release
23 the area from the municipality's extraterritorial jurisdiction,
24 the municipality shall immediately release the area from the
25 municipality's extraterritorial jurisdiction.

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First appeared as part of the conference materials for the
28th Annual Land Use Conference session

"Out of the ETJ and Into the Unknown? What the SB 2038 ETJ-Removal Law Does and Its
Impact on Cities and Counties"