

# Legal and land use implications of SB 2038 - ETJ Release

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## SB 2038 – ETJ Release

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

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## 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.
- May 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.

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### 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 45<sup>th</sup> day after the date the city receives the petition or the next meeting of the governing body that occurs after the 30<sup>th</sup> day after the date the city receives the petition, **the area is released by operation of law.**

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## SB 2038 Election

### TLGC 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

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## TLGC Subchapter E, Chapter 42 - Election

- City shall order an election on the first uniform election date that falls on or after the 90<sup>th</sup> 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

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