



TEXAS MUNICIPAL LEAGUE

Empowering Texas cities to serve their citizens

President **David Rutledge**, Mayor, Bridge City
Executive Director **Bennett Sandlin**

April 5, 2023

Honorable DeWayne Burns
Chairman, House Land and Resource Management Committee
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

Dear Chairman Burns,

I am writing on behalf of the Texas Municipal League to express our opposition to **House Bill 1279** by **Representative Tepper**, which proposes a significant reduction of the extraterritorial jurisdiction (ETJ) of Texas cities. City planning authority in the ETJ is the most robust toolkit Texans currently have to protect the health and safety of themselves and their future neighbors when a new development is being planned on property just outside a city. The proposed changes in H.B. 1279 would remove the bulk of that toolkit by removing the bulk of the ETJ, likely resulting in lowered public safety and less thoughtful development across Texas.

The most powerful land use regulatory authority a city currently has in the ETJ is the subdivision authority, which is triggered by the platting requirements of the Local Government Code. These regulations are designed to ensure the health and safety of residents who move into the homes that are built long after the platting process is completed. One example of a critical subdivision regulation is the power cities have to require thoughtful connectivity into, out of, and throughout new neighborhoods. This may sound trivial in the planning stages, but after the families have moved in and the developer is long gone, having thoughtful road design with multiple points of ingress and egress takes on life-and-death importance. Imagine the one road into a subdivision is blocked by fire or washed out by a flood. Texas cities have the power to require safe road layouts in their ETJ and can require developers to ensure the safety of future residents. Counties do not have the same authority nor do homeowners associations or anyone else. Reducing the size of the ETJ in the way that H.B. 1279 does will lead to lower levels of safety for our future neighbors in the former ETJ.

Also bear in mind that cities have relatively little regulatory authority in the ETJ. And city platting and subdivision authority is generally exercised long before population density arrives. Land planning regulations are forward-looking and protect not only the interests of current residents by ensuring quality development continues, but also the future landowners who will be purchasing the homes that are yet to be built. There is more to land development than maximizing the sales price per square foot. Families will be living in these future developments. Businesses will be established on this land. Schools will be planned and built on what is now ETJ property. City planners have the training, experience and knowledge to understand the impacts of future density on all the residents of the area to make thoughtful adjustments to development proposals that maintain the health, safety, and general welfare of the community – today and into the future. By

cutting the ETJ by 90 percent, H.B. 1279 seeks to cut the state's ability to protect both its current residents and future citizens.

Additionally, even though cities no longer have the unilateral authority to annex property in the ETJ, voluntary annexation by landowners in the ETJ continues apace. Since being in the ETJ is currently a statutory prerequisite for annexation, cutting the size of the ETJ cuts the ability of current landowners to make the choice to join nearby communities. Additionally, if cities are stripped of their oversight of ETJ development, ongoing development may be of such a diminished character that even a well-meaning landowner wishing to join a city in the future, may find his request denied due to incompatibility between the former ETJ property and the city. Allowing the current model to move forward not only increases the probability of continued superior development throughout the state, but it continues allowing landowners to choose whether or not to join neighboring cities.

Finally, some might argue that a city has no business regulating land that is far away from the city limits. But in a state as big as Texas, five miles away can sometimes feel like right next door. By way of example, in central Texas there are municipal utility districts with thousands of residents located in the ETJ of a city with a fraction of the MUD's population. The impacts of this population density – both positive and negative – within miles of the city are directly felt in the city's libraries and parks, at the cities' festivals and events, and at the businesses in and around the town. Cities retaining the ability to require (and at times incentivize) thoughtful development in their vicinity is not overreach or over-regulation; rather, it is planning, it is beneficial, and Texas is a better place to live because of it.

We urge you to consider the potential negative implications of House Bill 1279 for current and future Texas residents. City regulations in the ETJ are essential for ensuring that developments are thoughtfully designed and meet certain health and safety standards. The reduction of the ETJ would limit the ability of cities to regulate development, which could create serious costs for the health, safety, and vitality of Texas, its residents, and its future residents.

Sincerely,

A handwritten signature in black ink, appearing to read 'Monty Wynn', with a stylized flourish at the end.

Monty Wynn
Director, Grassroots and Legislative Services
Texas Municipal League