



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 4215** by **Representative Keith Bell**. H.B. 4215 would limit the size of a city's extraterritorial jurisdiction (ETJ) to an amount not to exceed 50% of the gross acreage of the city and require the city to release extraterritorial jurisdiction as necessary to comply with this limit.

Reducing the size of the ETJ would mean reduced city regulatory authority for health and safety in the ETJ. The League urges the committee to consider what this could mean for residents of new neighborhoods right outside a city. The most powerful land use regulatory authority a city currently has in the ETJ is the subdivision authority. Subdivision 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 tragedy that could be created when the only 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. No other entity has this authority. Reducing the size of the ETJ in the way that H.B. 4215 does will lead to lower levels of safety for our future neighbors in the former ETJ.

Moreover, the lack of detail about which property gets removed or how the reduction occurs from the ETJ will result in confusion and disparate, random outcomes for neighboring landowners. Under H.B. 4215 cities will be forced to release ETJ without any clear guidelines, which could lead to a haphazard and potentially dangerous approach to development and could undermine planning and agreements that have been in place for years.

By way of example, ETJ development agreements are permitted between cities and landowners in the ETJ and are valuable tools that allow these parties to work together to manage thoughtful development. These agreements can be in place for decades before ground is ever broken and have been used to give certainty to landowners. What happens when the property that must be released per H.B. 4215 is subject to an ETJ development agreement? Are all the rights and responsibilities in that contract vacated at that moment, since the land is no longer in the ETJ as required by law?

These questions are not answered by H.B. 4215. Additionally, cities have the authority to undertake numerous projects in their ETJ that benefit those landowners, including, among other things, economic development incentive programs and public improvement districts (PIDs). Cities generally have no authority to use these tools to benefit landowners located outside the city or the city's ETJ. What happens when the only ETJ property that has to be released is subject to or benefits from one of these programs which would never have been possible if the property had not been in the ETJ before? What happens to the bonds issued by a city to fund a PID, when that PID has to be released from the city's ETJ? Again, these questions are not answered by H.B. 4215.

For these reasons, the League opposes H.B. 4215 and urges the committee to take no action on the bill at this time.

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