



CITY OF HOUSTON

Department Name

Sylvester Turner

Mayor

Director's Name
Director's Title
P.O. Box 1562
Houston, Texas 77251-1562

T. Telephone Number
F. Fax Number
www.houstontx.gov

April 3, 2023

The Honorable Paul Bettencourt
Chairman, Senate Committee on Local Government
Room 3E.16 Capitol Building
Austin, Texas 78701

RE: Opposition for Senate Bill 2038 related to release of an area from a municipality's extraterritorial jurisdiction by petition or election.

Dear Chairman Bettencourt:

On behalf of the City of Houston, I write in opposition to Senate Bill 2038 and ask that this written testimony be included in the formal legislative record for SB 2038. The City and I thank the Committee and Chairman for the opportunity to comment regarding this proposed legislation.

SB 2038 involves amending Chapter 42, Local Government Code, to further limit a municipality's purview in their extraterritorial jurisdiction.

There are several areas of concern in this bill:

First, a resident, not a property owner of an area with a population of less than 200 may file a petition for release from a municipality's ETJ. This is problematic because renters will have the same authority to file a petition that would affect real property as property owners. In our experience, property owners have been very displeased when another person or entity makes decisions regarding the jurisdiction of their property.

Additionally, a petition for release may be signed by registered voters in an area, not necessarily property owners. If the signatures are deemed valid, the city must immediately release the area from its ETJ. This would result in property being released from the ETJ without any consent of the property owners. It is a policy of the City of Houston not to release any territory from its ETJ without the explicit consent of each affected property owner. Houston has not released property without property owner consent in over 15 years.

Another issue with this bill is the ability for a resident to request that a municipality hold an election on the question of whether to release an area from the ETJ. Only 5% of the registered voters in an area are required to make this request. Again, the will of non-property owners could result in the change in jurisdiction for property owners who did not wish to be removed from the ETJ.

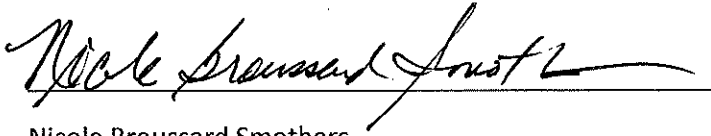
The municipality would be forced to hold an election to change the jurisdiction of property at the request of voters who may not even own any of the affected property. In the past, property released without the owner's consent has been returned to the ETJ after the property owner found out about the change in jurisdiction and followed the regulations to

Council Members: Amy Peck Tarsha Jackson Abble Kamin Carolyn Evans-Shabazz Dave Martin Tiffany D. Thomas Mary Nan Huffman Karla Cisneros
Robert Gallegos Edward Pollard Martha Castex-Tatum Mike Knox David W. Robinson Michael Kubosh Letitia Plummer Sallie Alcorn
Controller: Chris Brown

have it returned to the ETJ. If this happens, as it has in the past, the city would have in essence wasted valuable staff time and money to hold an election for nothing.

For these reasons, the Planning and Development Department respectfully opposes SB 2038.

Sincerely,

A handwritten signature in black ink, reading "Nicole Broussard Smothers", written over a horizontal line.

Nicole Broussard Smothers

Deputy Assistant Director

City of Houston, Planning and Development Department

611 Walker St.

Houston, TX 77002

Nicole.Smothers@houstontx.gov

832-393-6580