



**CITY OF HOUSTON**  
Planning & Development Department

**Sylvester Turner**

Mayor

Margaret Wallace Brown  
Director  
P.O. Box 1562  
Houston, Texas 77251-1562

T. 832.393.6600  
F. 832.393.6661  
[www.houstontx.gov](http://www.houstontx.gov)

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Honorable DeWayne Burns  
Chairman, House Land and Resource Management Committee  
Room E2.604  
P.O. Box 2910  
Austin, TX 78768

**RE: House Bill 442 relating to the extraterritorial jurisdiction of and municipal annexation by certain municipalities**

Dear Chairman Burns:

On behalf of the City of Houston, I write in opposition to House Bill 442 and ask that written testimony be included in the formal legislative record for HB 442. The City and I thank the committee and Chairman for the opportunity to comment regarding this proposed legislation.

HB 442 removes significant ETJ authority from cities with a population of more than 1.8 million, authority smaller cities would still enjoy. The ETJ would no longer grow if the city were to annex territory, city consent is no longer required for the reduction of its ETJ, and consent is no longer needed for another municipality to incorporate within the boundary of the city's ETJ. In fact, Chapter 42, which governs ETJ in its entirety would no longer apply to the City of Houston under this bill. All ETJ would be released entirely from the City of Houston's jurisdiction on September 1, 2028.

The proposed law would eliminate the City's authority to approve subdivision plats in the ETJ. Development in Houston's ETJ is occurring at a fast pace and many unincorporated areas are becoming more urbanized every day. Uniform subdivision regulations in the ETJ provide for safe and adequate mobility, greenspace in neighborhoods and predictability for property owners, developers, and service providers including utilities, school districts, and emergency services. Property owners in the ETJ rely on the City to guide development in their areas. Every two weeks the Houston Planning Commission hears concerns about new developments, incompatible developments and cut through traffic.

Additionally, this bill would remove the authority of the cities larger than 1.8 million to impose a tax in the ETJ. It is unclear how this would affect the existing limited purpose annexation areas and the strategic partnership agreements that are currently in place via a contract between the City of Houston and municipal utility districts (MUDs) located throughout the ETJ. Under those agreements, the city is authorized to impose a sales tax that it

then splits with the MUDs. This tax has helped many areas in the ETJ pay for the infrastructure that supports the development projects in the Houston region.

In our experience, several property owners enjoy the protection that comes with being in the City of Houston's ETJ. They do not wish to become a part of any other municipality. The effect of this bill would leave them vulnerable to that possibility. In the same vein, there are areas of the city that would not want to be disannexed because the City of Houston is not providing full city services to the area. This bill would call for the disannexation of any area where full municipal services are not being provided by September 1, 2028.

The City of Houston currently regulates all platting activity in the ETJ and the administration of the major thoroughfare plan for the future transportation needs in the region, largely within the ETJ. The city would lose the authority to perform those services in the ETJ if this bill were to pass leaving a large void some other entity would have to fill.

Thank you for your consideration. We look forward to working with you through the duration of this legislative session.

Sincerely,

*Nicole Smothers*

Nicole Broussard Smothers  
Deputy Assistant Director  
City of Houston, Planning and Development  
611 Walker St.  
Houston, TX 77001  
[Nicole.Smothers@houstontx.gov](mailto:Nicole.Smothers@houstontx.gov)  
832-393-6580