



# Extraterritorial Jurisdiction (ETJ) Release Petition Guidelines

## BACKGROUND

Newly enacted state law allows landowners or residents to submit a written petition to a city to release their property from the city's extraterritorial jurisdiction (ETJ). In the 88th (Regular) Texas legislative session, Senate Bill 2038 was passed and is effective as of September 1, 2023. The newly enacted Local Government Code, Chapter 42, Subchapters D and E codified and established a petition and election process for releasing property from a city's ETJ.

This new law does not apply to specific areas in the ETJ, including areas within five miles of an active military base boundary; in an area that was voluntarily annexed into a county in which the population grew by more than 50% from the previous federal census and that has a population greater than 240,000; and areas within an industrial district or subject to a strategic partnership agreement.

## PETITION FOR ETJ RELEASE REQUIREMENTS

- Written signature(s) of the landowner(s) and evidence of ownership of the majority in value of the ETJ area petitioned for release; or
- Written signatures of more than fifty percent (50%) of the registered voters in the area petitioned for release from the ETJ (The signatures must be collected within 180 days of obtaining the first signature.)
- A map of the proposed ETJ area to be released and its boundary description by:
  - metes and bounds description; or
  - lot and block number if there is a recorded map or plat.

## PETITION FOR ETJ RELEASE ELECTION REQUIREMENTS

- Written signatures of more than five percent (5 %) of the registered voters in the ETJ area petitioned for release.
- A map of the proposed ETJ area to be released and its boundary description by:
  - metes and bounds description; or
  - lot and block number if there is a recorded map or plat.

Reference: Chapter 42 of the Local Government Code, and Chapter 277 of the Texas Election Code for ETJ Release petition requirements.

## RECOMMENDED MATERIAL FOR ALL PETITIONS

The following information would help the Planning Department staff to process efficiently the proposed petition for ETJ Release and communicate with the petitioner(s):

- Contact information for the landowner(s) or petitioners and their representatives, including names, email addresses, mailing addresses, and telephone numbers.
- Physical Address and Acreage.
- Current County Appraisal District's Account or Parcel Identification Numbers.
- Survey Map that is clearly marked, easy-to-read, and fits on an 8 ½ x 11-inch sheet of paper.
- GIS shapefile for the proposed ETJ properties to be released.

**WHERE TO FILE THE PETITION:** The petition must be filed in the Office of the City Clerk:

**Physical Address:**

City Hall  
212 N. Bonner Ave  
Tyler, TX 75702

**Mailing Address:**

Office of the City Clerk  
P.O. Box 2039  
Tyler, TX 75710-2039

## REVIEW PROCESS

City staff will review the ETJ Release petition to determine if it meets the petition requirements in Chapter 42 of the Local Government Code and Chapter 277 of the Texas Election Code.

If the petition meets the statutory requirements, then the Planning Department staff will take the next steps outlined in state law and the City of Tyler Code of Ordinances to process the petition.

## PUBLIC HEARINGS AND APPROVAL PROCESS

- Planning and Zoning Commission Public Hearing and Recommendation
- City Council Public Hearing and Consideration.

City staff will provide the petitioner with a timeline for the approval process of the petition. After the City Council approves the petition, staff will provide the petitioner with copies of the Planning and Zoning Commission Resolution and City Council Ordinance.

**Please consult with the Planning Department before submitting a petition for an ETJ release.**