



HOUSE BILL 173: Wake County ETJ.

2025-2026 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	March 31, 2025
Introduced by:	Rep. Paré	Prepared by:	Brad Krehely
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *House Bill 173 would temporarily limit the expansion of extraterritorial jurisdiction by any municipality in Wake County. The act would be effective when it becomes law and would expire on December 31, 2028.*

CURRENT LAW: Except under certain circumstances, a municipality may regulate land use within an area beyond its corporate limits, commonly referred to as extraterritorial jurisdiction (ETJ). Land use regulations include zoning, subdivision regulation, building code enforcement, minimum housing code enforcement, historic preservation, erosion and sedimentation control regulation, and historic district regulation.

To regulate the ETJ area, the municipality must be exercising the same power within its corporate limits. In addition, the municipality may not select different ETJ areas for different regulatory powers. If a municipality fails to exercise its ETJ authority, that territory is regulated by the county in which the property lies.

Generally, municipalities are authorized to exercise their ETJ powers up to the following limits:

- Up to one mile beyond its corporate limits.
- If the city's population is between 10,000 and 24,499, up to two miles beyond its corporate limits.
- If the city's population is 25,000, up to three miles beyond its corporate limits.

A limitation on this authority is that no city may extend its ETJ authority into any area for which the county at that time has done both of the following:

- Adopted and is enforcing a zoning ordinance.
- Adopted and is enforcing subdivision regulations.

If the county has undertaken both of these activities, then the municipality must get approval of the county commissioners prior to extension of the ETJ authority. G.S. 160D-202.

BILL ANALYSIS: House Bill 173, which is applicable to Wake County only, would limit any municipality from expanding the territory over which that municipality may exercise ETJ in Wake County beyond the territory over which the municipality exercised ETJ on January 1, 2025.

EFFECTIVE DATE: The act would be effective when it becomes law and would expire on December 31, 2028.

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