

By: Gutierrez

S.B. No. 1023

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a governmental entity to impose a
3 regulation governing the use of building products, materials, or
4 methods that relates to water conservation.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 3000.002(c), Government Code, is amended
7 to read as follows:

8 (c) This section does not apply to:

9 (1) a program established by a state agency that
10 requires particular standards, incentives, or financing
11 arrangements in order to comply with requirements of a state or
12 federal funding source or housing program;

13 (2) a requirement for a building necessary to consider
14 the building eligible for windstorm and hail insurance coverage
15 under Chapter 2210, Insurance Code;

16 (3) an ordinance or other regulation that regulates
17 outdoor lighting that is adopted for the purpose of reducing light
18 pollution and that:

19 (A) is adopted by a governmental entity that is
20 certified as a Dark Sky Community by the International Dark-Sky
21 Association as part of the International Dark Sky Places Program;
22 or

23 (B) applies to outdoor lighting within five miles
24 of the boundary of a military base in which an active training

1 program is conducted;

2 (4) an ordinance or order that:

3 (A) regulates outdoor lighting; and

4 (B) is adopted under Subchapter B, Chapter 229,
5 Local Government Code, or Subchapter B, Chapter 240, Local
6 Government Code;

7 (5) a building located in a place or area designated
8 for its historical, cultural, or architectural importance and
9 significance that a municipality may regulate under Section
10 211.003(b), Local Government Code, if the municipality:

11 (A) is a certified local government under the
12 National Historic Preservation Act (54 U.S.C. Section 300101 et
13 seq.); or

14 (B) has an applicable landmark ordinance that
15 meets the requirements under the certified local government program
16 as determined by the Texas Historical Commission;

17 (6) a building located in a place or area designated
18 for its historical, cultural, or architectural importance and
19 significance by a governmental entity, if designated before April
20 1, 2019;

21 (7) a building located in an area designated as a
22 historic district on the National Register of Historic Places;

23 (8) a building designated as a Recorded Texas Historic
24 Landmark;

25 (9) a building designated as a State Archeological
26 Landmark or State Antiquities Landmark;

27 (10) a building listed on the National Register of

1 Historic Places or designated as a landmark by a governmental
2 entity;

3 (11) a building located in a World Heritage Buffer
4 Zone; ~~and~~

5 (12) a building located in an area designated for
6 development, restoration, or preservation in a main street city
7 under the main street program established under Section [442.014](#);

8 (13) a product, material, or standard required by an
9 ordinance or other regulation implementing a water conservation
10 plan or program described by Section [11.1271](#) or [13.146](#), Water Code;
11 and

12 (14) a requirement imposed by the Texas Water
13 Development Board as a condition of applying for or receiving
14 financial assistance under a program administered by the board.

15 SECTION 2. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section [39](#), Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2021.