

By: Buckingham

S.B. No. 1090

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain regulations adopted by governmental entities
3 regarding land use restrictions and building products, materials,
4 or methods used in the construction or renovation of residential or
5 commercial buildings.

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

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

9 (c) This section does not apply to:

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

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

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

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

24 (B) is adopted by a governmental entity that has

1 adopted a resolution stating the entity's intent to become
2 certified as a Dark Sky Community by the International Dark-Sky
3 Association as part of the International Dark Sky Places Program
4 and does not regulate outdoor lighting in a manner that is more
5 restrictive than the prohibitions or limitations required to become
6 certified as a Dark Sky Community; or

7 (C) applies to outdoor lighting within five miles
8 of the boundary of a military base in which an active training
9 program is conducted;

10 (4) an ordinance or order that:

11 (A) regulates outdoor lighting; and

12 (B) is adopted under Subchapter B, Chapter 229,
13 Local Government Code, or Subchapter B, Chapter 240, Local
14 Government Code;

15 (5) a building located in a place or area designated
16 for its historical, cultural, or architectural importance and
17 significance that a municipality may regulate under Section
18 211.003(b), Local Government Code, if the municipality:

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

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

25 (6) a building located in a place or area designated
26 for its historical, cultural, or architectural importance and
27 significance by a governmental entity, if designated before April

1 1, 2019;

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

4 (8) a building designated as a Recorded Texas Historic
5 Landmark;

6 (9) a building designated as a State Archeological
7 Landmark or State Antiquities Landmark;

8 (10) a building listed on the National Register of
9 Historic Places or designated as a landmark by a governmental
10 entity;

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

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

16 (13) a standard for a plumbing product required by an
17 ordinance or other regulation implementing a water conservation
18 plan or program described by Section [11.1271](#) or [13.146](#), Water Code;
19 and

20 (14) a standard for a plumbing product imposed by the
21 Texas Water Development Board as a condition of applying for or
22 receiving financial assistance under a program administered by the
23 board.

24 SECTION 2. Section [3000.004](#), Government Code, is amended to
25 read as follows:

26 Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter
27 does not affect provisions regarding:

1 (1) the installation of a fire sprinkler protection
2 system under Section 1301.551(i), Occupations Code, or Section
3 775.045(a)(1), Health and Safety Code; or

4 (2) the enforcement of land use restrictions contained
5 in plats and other instruments under Subchapter F, Chapter 212,
6 Local Government Code.

7 SECTION 3. Section 212.151, Local Government Code, is
8 amended to read as follows:

9 Sec. 212.151. MUNICIPALITY COVERED BY SUBCHAPTER. This
10 subchapter applies only to a municipality:

11 (1) with a population of 1.5 million or more that
12 passes an ordinance that requires uniform application and
13 enforcement of this subchapter with regard to all property and
14 residents;

15 (2) with a population of less than 4,000 that:

16 (A) is located in two counties, one of which has a
17 population greater than 45,000; and

18 (B) borders Lake Lyndon B. Johnson; or

19 (3) [~~to a municipality~~] that does not have zoning
20 ordinances and passes an ordinance that requires uniform
21 application and enforcement of this subchapter with regard to all
22 property and residents.

23 SECTION 4. This Act takes effect September 1, 2021.