

1-1 By: Buckingham S.B. No. 1090
 1-2 (In the Senate - Filed March 5, 2021; March 18, 2021, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 May 5, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 0; May 5, 2021, sent
 1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1090 By: Hancock

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to certain regulations adopted by governmental entities
 1-22 regarding land use restrictions and building products, materials,
 1-23 or methods used in the construction or renovation of residential or
 1-24 commercial buildings.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 3000.002(c), Government Code, is amended
 1-27 to read as follows:

1-28 (c) This section does not apply to:

1-29 (1) a program established by a state agency that
 1-30 requires particular standards, incentives, or financing
 1-31 arrangements in order to comply with requirements of a state or
 1-32 federal funding source or housing program;

1-33 (2) a requirement for a building necessary to consider
 1-34 the building eligible for windstorm and hail insurance coverage
 1-35 under Chapter 2210, Insurance Code;

1-36 (3) an ordinance or other regulation that regulates
 1-37 outdoor lighting that is adopted for the purpose of reducing light
 1-38 pollution and that:

1-39 (A) is adopted by a governmental entity that is
 1-40 certified as a Dark Sky Community by the International Dark-Sky
 1-41 Association as part of the International Dark Sky Places Program;
 1-42 [~~or~~]

1-43 (B) is adopted by a governmental entity that has
 1-44 adopted a resolution stating the entity's intent to become
 1-45 certified as a Dark Sky Community by the International Dark-Sky
 1-46 Association as part of the International Dark Sky Places Program
 1-47 and does not regulate outdoor lighting in a manner that is more
 1-48 restrictive than the prohibitions or limitations required to become
 1-49 certified as a Dark Sky Community; or

1-50 (C) applies to outdoor lighting within five miles
 1-51 of the boundary of a military base in which an active training
 1-52 program is conducted;

1-53 (4) an ordinance or order that:

1-54 (A) regulates outdoor lighting; and

1-55 (B) is adopted under Subchapter B, Chapter 229,
 1-56 Local Government Code, or Subchapter B, Chapter 240, Local
 1-57 Government Code;

1-58 (5) a building located in a place or area designated
 1-59 for its historical, cultural, or architectural importance and
 1-60 significance that a municipality may regulate under Section

2-1 211.003(b), Local Government Code, if the municipality:
2-2 (A) is a certified local government under the
2-3 National Historic Preservation Act (54 U.S.C. Section 300101 et
2-4 seq.); or

2-5 (B) has an applicable landmark ordinance that
2-6 meets the requirements under the certified local government program
2-7 as determined by the Texas Historical Commission;

2-8 (6) a building located in a place or area designated
2-9 for its historical, cultural, or architectural importance and
2-10 significance by a governmental entity, if designated before April
2-11 1, 2019;

2-12 (7) a building located in an area designated as a
2-13 historic district on the National Register of Historic Places;

2-14 (8) a building designated as a Recorded Texas Historic
2-15 Landmark;

2-16 (9) a building designated as a State Archeological
2-17 Landmark or State Antiquities Landmark;

2-18 (10) a building listed on the National Register of
2-19 Historic Places or designated as a landmark by a governmental
2-20 entity;

2-21 (11) a building located in a World Heritage Buffer
2-22 Zone; ~~and~~

2-23 (12) a building located in an area designated for
2-24 development, restoration, or preservation in a main street city
2-25 under the main street program established under Section 442.014;

2-26 (13) a standard for a plumbing product required by an
2-27 ordinance or other regulation implementing a water conservation
2-28 plan or program described by Section 11.1271 or 13.146, Water Code;
2-29 and

2-30 (14) a standard for a plumbing product imposed by the
2-31 Texas Water Development Board as a condition of applying for or
2-32 receiving financial assistance under a program administered by the
2-33 board.

2-34 SECTION 2. Section 3000.004, Government Code, is amended to
2-35 read as follows:

2-36 Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter
2-37 does not affect provisions regarding:

2-38 (1) the installation of a fire sprinkler protection
2-39 system under Section 1301.551(i), Occupations Code, or Section
2-40 775.045(a)(1), Health and Safety Code; or

2-41 (2) the enforcement of land use restrictions contained
2-42 in plats and other instruments under Subchapter F, Chapter 212,
2-43 Local Government Code.

2-44 SECTION 3. Section 212.151, Local Government Code, is
2-45 amended to read as follows:

2-46 Sec. 212.151. MUNICIPALITY COVERED BY SUBCHAPTER. This
2-47 subchapter applies only to a municipality:

2-48 (1) with a population of 1.5 million or more that
2-49 passes an ordinance that requires uniform application and
2-50 enforcement of this subchapter with regard to all property and
2-51 residents;

2-52 (2) with a population of less than 4,000 that:
2-53 (A) is located in two counties, one of which has a
2-54 population greater than 45,000; and

2-55 (B) borders Lake Lyndon B. Johnson; or

2-56 (3) ~~[to a municipality]~~ that does not have zoning
2-57 ordinances and passes an ordinance that requires uniform
2-58 application and enforcement of this subchapter with regard to all
2-59 property and residents.

2-60 SECTION 4. This Act takes effect September 1, 2021.

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