

By: Hughes

S.B. No. 1585

A BILL TO BE ENTITLED

AN ACT

relating to requirements for the designation of a property as a historic landmark and the inclusion of a property in a historic district by a municipality.

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

SECTION 1. The heading to Section 211.0165, Local Government Code, is amended to read as follows:

Sec. 211.0165. DESIGNATION OF HISTORIC LANDMARK OR DISTRICT.

SECTION 2. Section 211.0165, Local Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (b), a municipality that has established a process for designating places or areas of historical, cultural, or architectural importance and significance through the adoption of zoning regulations or zoning district boundaries may not designate a property as a local historic landmark or include a property within the boundaries of a local historic district unless:

(1) the owner of the property consents to the designation or inclusion; or

(2) if the owner does not consent, the designation or inclusion of the owner's property is approved by a three-fourths vote of:

1 (A) the governing body of the municipality; and  
2 (B) the zoning, planning, or historical  
3 commission of the municipality, if any.

4 (a-1) If a municipality has more than one commission  
5 described by Subsection (a)(2)(B), the municipality shall  
6 designate one of those commissions as the entity with exclusive  
7 authority to approve the designations of properties as local  
8 historic landmarks and the inclusion of properties in a local  
9 historic district under that paragraph.

10 (b) If the property is owned by an organization that  
11 qualifies as a religious organization under Section 11.20, Tax  
12 Code, the municipality may designate the property as a local  
13 historic landmark or include the property in a local historic  
14 district only if the organization consents to the designation or  
15 inclusion.

16 (c) The municipality must provide the property owner a  
17 statement that describes the impact that a historic designation or  
18 inclusion in a local historic district of the owner's property may  
19 have on the owner and the owner's property. The municipality must  
20 provide the statement to the owner not later than the 15th day  
21 before the date of the initial hearing on the historic designation  
22 or inclusion in a local historic district of the property of:

23 (1) the zoning, planning, or historical commission, if  
24 any; or

25 (2) the governing body of the municipality.

26 SECTION 3. Section 211.0165, Local Government Code, as  
27 amended by this Act, applies only to a proposal to include a

S.B. No. 1585

1 property in a historic district or to designate a property as a  
2 local historic landmark made on or after the effective date of this  
3 Act.

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