

By: DeAyala

H.B. No. 4057

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of a property in a conservation district by certain municipalities.

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

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.0166 to read as follows:

Sec. 211.0166. EXCLUSION FROM CERTAIN CONSERVATION DISTRICTS. (a) In this section, "conservation district" means a local preservation district authorized by ordinance by a municipality described by Subsection (b) to preserve, maintain, and protect the physical elements of development and the community character and heritage of neighborhoods having distinctive characteristics and patterns of development.

(b) This subsection applies only to a property located in a municipality with a population of two million or more. Notwithstanding any other law, this subsection applies regardless of whether the municipality 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. The owner of a property included within the boundaries of a conservation district authorized by ordinance may elect to exclude the property from the district by filing in the real property records for the county in which the property is located an acknowledged statement:

1 (1) describing the property by reference to a map or
2 plat of the subdivision; and

3 (2) stating that the owner elects to have the property
4 excluded from the district.

5 (c) Subsection (b) does not apply to:

6 (1) the designation of a property as a local historic
7 landmark described by Section 211.0165(a); or

8 (2) the inclusion of a property within the boundaries
9 of a local historic district described by Section 211.0165(a).

10 (d) A statement filed under Subsection (b) must be filed
11 before the first anniversary of the date of the inclusion in a
12 conservation district. The exclusion of a property takes effect on
13 the filing of the statement by the owner of the property.

14 SECTION 2. Section 211.0166, Local Government Code, as
15 added by this Act, applies only to inclusion of a property within
16 the boundaries of a conservation district authorized by ordinance
17 after the effective date of this Act.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2023.