

BILL ANALYSIS

C.S.H.B. 2674

By: Howard

State Cultural and Recreational Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law permits cities to regulate the construction, reconstruction, alteration or razing of buildings and other structures that have historical, cultural or architectural importance and significance. In some instances when there is no other legal way to stop the construction of a legally permissible structure, cities have resorted to using their historical zoning power to declare the property significant and prohibit the construction or expansion of a building. Property owned by religious organizations is often the target of this abuse of the historic zoning power when a city cannot find another way to prohibit the construction or expansion of a religious use.

The purpose of C.S.H.B 2674 is to clarify that the governing body of a municipality may regulate the construction, reconstruction, alteration or razing of a building in designated places of historical, cultural or architectural importance, but that property owned by a religious organization that is subject to a tax exemption under Section 11.20 of the Tax Code is not subject to this potential abuse of power.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2674 amends the Local Government Code by exempting property owned by a religious organization that is entitled to an exemption from taxation of the property under Section 11.20, Tax Code, from historical, cultural, or architectural importance zoning designations by a governing body of a municipality.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect on September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill was not a counsel draft. The substitute is a counsel draft and has no substantive changes.