

BILL ANALYSIS

Senate Research Center
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S.B. 1488
By: Buckingham
Natural Resources & Economic Development
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1488 seeks to create a uniform process for designating a structure as a local historic landmark while also requiring landowner consent before designation.

In 1987, the Texas Legislature authorized local municipalities to regulate local historical structures of significance through their zoning regulations in order to preserve Texas heritage for generations to come but also to ensure that there would be a process for the preservation and rehabilitation of these structures.

However, interested parties have raised concerns that an unintended consequence of this law has created a patchwork system on the local level. This is because while there is already a detailed process for designating a structure as a state historic landmark, the processes for designating a local historic landmark can vary dramatically by municipality.

Moreover, unlike state designation, there is no requirement that a person consent to having his or her property designated as historic. In jurisdictions where any person or city may initiate historic designation, this is especially problematic and results in property owners being forced into compliance with stricter rules and regulations that also significantly increase the costs with owning and maintaining that home. Rather than focusing on community-wide efforts to preserve structures and allow for their rehabilitation, some cities have forcibly mandated historic zoning, often against a property owner's wishes. In addition, some of these same cities have reduced the vote threshold necessary to designate a structure as historic in order to push through designations that may otherwise not pass.

To address this issue, S.B. 1488 requires a homeowner to consent prior to designating a property as historic.

As proposed, S.B. 1488 amends current law relating to the designation of a property as a historic landmark by a municipality.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 211, Local Government Code, by adding Section 211.0165, as follows:

Sec. 211.0165. OWNER CONSENT REQUIRED TO DESIGNATE HISTORIC LANDMARK. Prohibits 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 from designating a property as a local historic landmark unless the owner of the property consents to the designation. Requires the municipality to allow an owner to withdraw consent at any time during the designation process.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.