By:  Buckingham S.B. No. 1090

(In the Senate - Filed March 5, 2021; March 18, 2021, read first time and referred to Committee on Business & Commerce; May 5, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 0; May 5, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton                      X

Johnson              X

Menéndez                       X

Paxton               X

Schwertner           X

Whitmire             X

COMMITTEE SUBSTITUTE FOR S.B. No. 1090 By:  Hancock

A BILL TO BE ENTITLED

AN ACT

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

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

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

(c)  This section does not apply to:

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

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

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

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

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

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

(4)  an ordinance or order that:

(A)  regulates outdoor lighting; and

(B)  is adopted under Subchapter B, Chapter 229, Local Government Code, or Subchapter B, Chapter 240, Local Government Code;

(5)  a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Local Government Code, if the municipality:

(A)  is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or

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

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

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

(8)  a building designated as a Recorded Texas Historic Landmark;

(9)  a building designated as a State Archeological Landmark or State Antiquities Landmark;

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

(11)  a building located in a World Heritage Buffer Zone; [~~and~~]

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

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

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

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

Sec. 3000.004.  OTHER PROVISIONS NOT AFFECTED. This chapter does not affect provisions regarding:

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

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

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

Sec. 212.151.  MUNICIPALITY COVERED BY SUBCHAPTER. This subchapter applies only to a municipality:

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

(2)  with a population of less than 4,000 that:

(A)  is located in two counties, one of which has a population greater than 45,000; and

(B)  borders Lake Lyndon B. Johnson; or

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

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

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