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 1, 2019;
2   (7) a building located in an area designated as a
3   historic district on the National Register of Historic Places;
4   (8) a building designated as a Recorded Texas Historic
5   Landmark;
6   (9) a building designated as a State Archeological
7   Landmark or State Antiquities Landmark;
8   (10) a building listed on the National Register of
9   Historic Places or designated as a landmark by a governmental
10   entity;
11   (11) a building located in a World Heritage Buffer
12   Zone; [and]
13   (12) a building located in an area designated for
14   development, restoration, or preservation in a main street city
15   under the main street program established under Section 442.014;
16   (13) a standard for a plumbing product required by an
17   ordinance or other regulation implementing a water conservation
18   plan or program described by Section 11.1271 or 13.146, Water Code;
19   and
20   (14) a standard for a plumbing product imposed by the
21   Texas Water Development Board as a condition of applying for or
22   receiving financial assistance under a program administered by the
23   board.
24   SECTION 2. Section 3000.004, Government Code, is amended to
25   read as follows:
26   Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter
27   does not affect provisions regarding:
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.
S.B. No. 1090

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1090 passed the Senate on May 11, 2021, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1090 passed the House on May 26, 2021, by the following vote: Yeas 139, Nays 8, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor