

By: Buckingham  
(Murr)

S.B. No. 1090

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain regulations adopted by governmental entities  
3 regarding land use restrictions and building products, materials,  
4 or methods used in the construction or renovation of residential or  
5 commercial buildings.

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

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

9 (c) This section does not apply to:

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

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

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

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

24 (B) is adopted by a governmental entity that has

1 adopted a resolution stating the entity's intent to become  
2 certified as a Dark Sky Community by the International Dark-Sky  
3 Association as part of the International Dark Sky Places Program  
4 and does not regulate outdoor lighting in a manner that is more  
5 restrictive than the prohibitions or limitations required to become  
6 certified as a Dark Sky Community; or

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

10           (4) an ordinance or order that:

11                   (A) regulates outdoor lighting; and

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

15           (5) a building located in a place or area designated  
16 for its historical, cultural, or architectural importance and  
17 significance that a municipality may regulate under Section  
18 211.003(b), Local Government Code, if the municipality:

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

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

25           (6) a building located in a place or area designated  
26 for its historical, cultural, or architectural importance and  
27 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:

1           (1) the installation of a fire sprinkler protection  
2 system under Section 1301.551(i), Occupations Code, or Section  
3 775.045(a)(1), Health and Safety Code; or

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

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

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

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

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

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

18                   (B) borders Lake Lyndon B. Johnson; or

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

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