

By: Buckingham

S.B. No. 1090

A BILL TO BE ENTITLED

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

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

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

8 (c) This section does not apply to:

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

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

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

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

23 (B) is adopted by a governmental entity that has  
24 adopted a resolution stating the entity's intent to become

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

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

9 (4) an ordinance or order that:

10 (A) regulates outdoor lighting; and

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

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

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

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

24 (6) a building located in a place or area designated  
25 for its historical, cultural, or architectural importance and  
26 significance by a governmental entity, if designated before April  
27 1, 2019;

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

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

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

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

10           (11) a building located in a World Heritage Buffer  
11 Zone; and

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

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

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

19           (1) the installation of a fire sprinkler protection  
20 system under Section 1301.551(i), Occupations Code, or Section  
21 775.045(a)(1), Health and Safety Code; or

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

25           SECTION 3. This Act takes effect September 1, 2021.