

By: Hernandez

H.B. No. 3312

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain regulations adopted by governmental entities
3 for the building products, materials, or methods used in the
4 construction 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 (B) is adopted by a governmental entity that has
23 adopted a resolution stating the entity's intent to become
24 certified as a Dark Sky Community by the International Dark-Sky

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

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

8 (4) an ordinance or order that:

9 (A) regulates outdoor lighting; and

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

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

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

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

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

27 (7) a building located in an area designated as a

1 historic district on the National Register of Historic Places;

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

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

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

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

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

14 (13) a standard for a plumbing product required by an
15 ordinance or other regulation implementing a water conservation
16 plan or program described by Section [11.1271](#) or [13.146](#), Water Code;
17 [~~and~~]

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

22 (15) an energy code as adopted by the State Energy
23 Conservation Office under Section [388.003](#)(a) or (b), Health and
24 Safety Code;

25 (16) an energy and water conservation design standard
26 established by the State Energy Conservation Office under Section
27 [447.004](#); and

1 (17) a high-performance building standard approved by
2 a board of regents under Section 55.115, Education Code.

3 SECTION 2. This Act takes effect September 1, 2023.