

By: Menéndez

S.B. No. 2453

A BILL TO BE ENTITLED

1 AN ACT  
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.