

BILL ANALYSIS

Senate Research Center
87R1646 DRS-F

S.B. 1585
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Natural Resources & Economic Development
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1987, the Texas Legislature authorized city councils to regulate historical structures of significance through zoning regulations. This was largely seen as a critical step to preserving our heritage for generations to come, as well as ensuring that there would be a process for the preservation and rehabilitation of these structures.

In order for a building to be designated as a historic structure, it can be initiated by the city or the property owner. Currently, if the property owner opposes designation being initiated by the city, the property must receive a supermajority vote of either the zoning, planning, or historical commission, in addition to the supermajority vote at city council.

During the 86th Regular Session, H.B. 2496 was passed to require municipalities to receive a supermajority vote at the commission level (city council was already required) when designating a structure as historic against a property owner's wishes. The bill specifically provided three options for municipalities at the commission level: planning commission, zoning and platting commission, or historic landmark commission. The goal of this provision was to provide cities with flexibility due to the fact that some cities may only have one board that serves all three purposes or may have a separate board for each.

However, some cities have interpreted this provision to mean that they may "shop around" the vote depending on schedule and preference. It has been noted that while some cities have a single board, others that have all three boards will frequently choose a different board depending on where the city feels the vote will be most successful. This is a major disadvantage for property owners whose property is designated against their will.

S.B. 1585 would amend Section 211.0165, Local Government Code, by requiring that any municipality that has more than one commission must then designate one commission as having the sole responsibility for designating properties as historic landmarks.

As proposed, S.B. 1585 amends current law relating to the designation of a property as a historic landmark by a municipality.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 211.0165, Local Government Code, by adding Subsection (a-1), as follows:

(a-1) Requires a municipality, if it has more than one commission as described by Subsection (a)(2)(B) (relating to the zoning, planning, or historical commission of the municipality, if any) to designate one of those commissions as the entity with exclusive authority to approve the designations of properties as local historic landmarks under that paragraph.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.