

BILL ANALYSIS

C.S.H.B. 1200
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Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Some cities in Texas operate without zoning ordinances, but have rich historical resources the cities want to preserve through local historic preservation programs. It has been suggested that state law does not permit historic preservation programs if a city has not implemented comprehensive zoning. This may create a problem for some cities that desire to preserve historic resources, but do not want to adopt zoning ordinances. C.S.H.B. 1200 seeks to clarify that certain municipalities that do not exercise zoning authority may adopt and enforce a regulation the primary purpose of which is to protect or maintain historic or culturally significant structures, objects, sites, or districts and that this regulation is not considered a zoning regulation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1200 amends the Local Government Code to clarify that a municipality with a population of more than two million that does not exercise zoning authority under applicable statutory provisions may adopt and enforce a regulation the primary purpose of which is to protect or maintain historic or culturally significant structures, objects, sites, or districts. Such a regulation is not considered a zoning regulation, regardless of whether the regulation designates specific districts or other areas in the municipality. The bill establishes that a historic district or landmark that was approved before March 1, 2021, by the governing body of the applicable municipality is validated.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1200 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the municipalities to which the bill's provisions apply from a municipality that has not established a process for designating places or areas of historical,

cultural, or architectural importance and significance through the adoption of zoning regulations or zoning district boundaries, as provided by the original, to a municipality with a population of more than two million that does not exercise zoning authority under applicable statutory provisions.

The substitute does not include a provision that was included in the original establishing that the bill's provisions are intended only to clarify existing law with respect to the regulation of historic or culturally significant structures, objects, sites, or districts by certain municipalities.

The substitute includes a provision that was not included in the original that establishes that a historic district or landmark that was approved before March 1, 2021, by the governing body of the applicable municipality is validated.