

## **BILL ANALYSIS**

Senate Research Center

H.B. 2496  
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Natural Resources & Economic Development  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 2496 would protect individual property rights and provide uniformity and fairness in the process to designate a property a historic landmark.

In 1987, the Texas Legislature authorized local municipalities to regulate local historical structures of significance through their zoning regulations in order to preserve Texas heritage for generations to come but also to ensure that there would be a process for the preservation and rehabilitation of these structures.

However, interested parties have raised concerns that an unintended consequence of this law has created a patchwork system on the local level. This is because while there is already a detailed process for designating a structure as a state historic landmark, the processes for designating a local historic landmark can vary dramatically by municipality.

To address this issue, H.B. 2496 would promote accountability by establishing a uniform, statewide process for designating places or areas as historical landmarks.

H.B. 2496 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 Subchapter A, Chapter 211, Local Government Code, by adding Section 211.0165, as follows:

Sec. 211.0165. DESIGNATION OF HISTORIC LANDMARK. (a) Provides that, except as provided by Subsection (b), a municipality that has 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 is prohibited from designating a property as a local historic landmark unless:

(1) the owner of the property consents to the designation; or

(2) the designation is approved by a three-fourths vote of:

(A) the governing body of the municipality; and

(B) the zoning, planning, or historical commission of the municipality, if any.

(b) Authorizes the municipality, if the property is owned by an organization that qualifies as a religious organization under Section 11.20 (Religious Organizations), Tax Code, to designate the property as a local historic landmark only if the organization consents to the designation.

(c) Requires the municipality to provide the property owner a statement that describes the impact that a historic designation of the owner's property may have on the owner and the owner's property. Requires the municipality to provide the statement to the owner not later than the 15th day before the date of the initial hearing on the historic designation of the property of:

(1) the zoning, planning, or historical commission, if any; or

(2) the governing body of the municipality.

(d) Requires the historic designation impact statement to include lists of the:

(1) regulations that are authorized to be applied to any structure on the property after the designation;

(2) procedures for the designation;

(3) tax benefits that are authorized to be applied to the property after the designation; and

(4) rehabilitation or repair programs that the municipality offers for a property designated as historic.

(e) Requires the municipality to allow an owner to withdraw consent at any time during the designation process.

SECTION 2. Makes application of Section 211.0165, Local Government Code, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2019.