A BILL TO BE ENTITLED

AN ACT
relating to certain regulations adopted by governmental entities
for the building products, materials, or methods used in the
construction or renovation of residential or commercial buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 10, Government Code, is amended by adding
Subtitle Z to read as follows:

CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND
COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:
(1) "National model code" has the meaning assigned by
Section 214.217, Local Government Code.
(2) "Governmental entity" has the meaning assigned by
Section 2007.002.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING
PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding
any other law and except as provided by Subsection (d), a
governmental entity may not adopt or enforce a rule, charter
provision, ordinance, order, building code, or other regulation
that:
(1) prohibits or limits, directly or indirectly, the
use or installation of a building product or material in the
construction, renovation, maintenance, or other alteration of a
residential or commercial building if the building product or
material is approved for use by a national model code published
within the last three code cycles that applies to the construction,
renovation, maintenance, or other alteration of the building; or

(2) establishes a standard for a building product, material, or aesthetic method in construction, renovation,
maintenance, or other alteration of a residential or commercial
building if the standard is more stringent than a standard for the
product, material, or aesthetic method under a national model code
published within the last three code cycles that applies to the
construction, renovation, maintenance, or other alteration of the
building.

(b) A governmental entity that adopts a building code
governing the construction, renovation, maintenance, or other
alteration of a residential or commercial building may amend a
provision of the building code to conform to local concerns if the
amendment does not conflict with Subsection (a).

(c) This section does not apply to:

(1) a program established by a state agency that
requires particular standards, incentives, or financing
arrangements in order to comply with requirements of a state or
federal funding source or housing program;

(2) a requirement for a building necessary to consider
the building eligible for windstorm and hail insurance coverage
under Chapter 2210, Insurance Code;

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

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

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

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

(5) a building located in an area designated as a
historic district on the National Register of Historic Places;

(6) a building designated as a Recorded Texas Historic
Landmark;

(7) a building designated as a State Archeological
Landmark or State Antiquities Landmark;

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

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

(10) a building located in an area designated for
development, restoration, or preservation in a main street city
under the main street program established under Section 442.014.
(d) A municipality that is not a certified local government under the National Historic Preservation Act (54 U.S.C. 300101 et seq.) may adopt or enforce a regulation described by Subsection (a) that applies to a building located in a place or area designated on or after April 1, 2019, by a municipality for its historical, cultural, or architectural importance and significance, if the municipality has the voluntary consent from the building owner.

(e) A rule, charter provision, ordinance, order, building code, or other regulation adopted by a governmental entity that conflicts with this section is void.

Sec. 3000.003. INJUNCTION. (a) The attorney general or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of Section 3000.002.

(b) The court may grant appropriate relief.

(c) The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under this section.

(d) Sovereign and governmental immunity to suit is waived and abolished only to the extent necessary to enforce this chapter.

Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter does not affect provisions regarding the installation of a fire sprinkler protection system under Section 1301.551(i), Occupations Code, or Section 775.045(a)(1), Health and Safety Code.

Sec. 3000.005. SEVERABILITY. If any provision of a rule, charter provision, ordinance, order, building code, or other regulation described by Section 3000.002(a) is held invalid under this chapter, the invalidity does not affect other provisions or applications of the rule, charter provision, ordinance, order,
building code, or other regulation that can be given effect without
the invalid provision or application, and to this end the
provisions of the rule, charter provision, ordinance, order,
building code, or other regulation are severable.

SECTION 2. This Act takes effect September 1, 2019.