

## **BILL ANALYSIS**

Senate Research Center

S.B. 2147  
By: Huffman  
Local Government  
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As Filed

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

Historically, the City of Houston has largely regulated land development through deed restrictions enforced by homeowners/property associations. Property owners purchase property based upon the current restrictions, or lack thereof. Additionally, the City of Houston Charter requires a referendum to adopt a zoning ordinance.

The City of Houston is in the process of creating conservation districts. These districts will regulate many of the same items found in deed restrictions and potentially circumvent existing state law on the creation of deed restrictions by allowing 51 percent of property owners to implement newly created regulations without a property owner opt-out provision. Instead of regulations being enforced through private covenants like deed restrictions, the City of Houston is seeking to approve, monitor, and enforce the building design guidelines created by the newly formed conservation districts. Interested parties note that property owners in these newly created districts would not be afforded a one-year opt out from the newly created conservation districts as provided in state law for deed restrictions.

S.B. 2147 seeks to allow property owners in a conservation district the same right found in state law for newly created deed restrictions by providing for a one-year time period to opt out of the conservation district.

As proposed, S.B. 2147 amends current law relating to the amendment of the designation of cultural or historic districts in certain municipalities.

### **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 (f), as follows:

(f) Authorizes an owner of property subject to inclusion within a district designated under Subsection (a) (relating to prohibiting a municipality from designating a property as a local historic landmark unless certain criteria are met) or a designation made pursuant to authority under Section 211.003(b) (relating to authorizing the governing body of a municipality to regulate the construction, reconstruction, alteration, or razing of buildings of historical, cultural, and architectural importance), of a conservation district, or similar district designation, excluding a historic district or landmark designation pursuant to Section 211.0165 (Designation of Historic Landmark or District), within a municipality with a population of more than 1.8 million, the majority of which is located in a county with a population of more than 3.8 million that has not adopted citywide zoning through a binding referendum pursuant to the city charter, to file in the real property records of the county in which the property exists, before one year after the date of designation by the governing body of the municipality, an acknowledged statement describing the owner's property by reference to a map or plat of the subdivision or other legal description stating that the owner elects to have the property deleted and excluded from the operation of the

district. Requires that such property, effective upon filing of the election, be excluded from the operation of the district.

SECTION 2. Provides that Section 211.0165(f), as added by this Act, applies only to a designation made after the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2023.