



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN # 575**  
**Impact of HB 2439 on Neighborhood Conservation Districts and Corridor Districts**

DATE: September 1, 2019

CREATED BY: Land Development Division- Policy Administration Section

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**Purpose:**

As a customer service initiative, the Development Services Department (DSD) created this Information Bulletin (IB) to inform our customers of the impacts of House Bill (HB) 2439 for Neighborhood Conservation Districts (NCDs) and Corridor Districts.

This IB describes and clarifies the incorporated changes to the NCDs and Corridor Districts in order to address changes to state law made by HB 2439. HB 2439 was signed into law by Governor Abbott on June 14, 2019, and became effective on September 1, 2019.

**Scope:**

Overall, HB 2439 restricts the ability of a municipality to regulate the use, installation, or method of using building materials if that building product or material is approved for use by a national model code published within the last three code cycles. HB 2439 includes several exemptions for this restriction including:

- Military Lighting Overlays
- Buildings in designated Historic Districts and Local Historic Landmarks
- River Improvement Overlay Districts (RIOs)
- World Heritage Buffers

Additionally, Section 3000.002.(c)(6) of Texas Government Code, as promulgated by HB 2439, states:

“This section does not apply to:

.....

(6) 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;”

Section 35-335(a)(1) of the Unified Development Code (UDC) states that NCDs “contribute significantly to the overall character and identity of the city” and that they are “worthy of preservation and protection.” The Section further states that the intent is to “preserve, protect, enhance, and perpetuate the value” of these districts.

The Statement of Purpose for Section 35-399.01. of the UDC states that corridor overlays are “important because they have shaped the sense of what individual neighborhoods of the city are in their role as historic entrances to the city or as traditional commercial centers” and that “other corridors are significant because they serve as gateways to the city or because of surrounding natural, historic, cultural, and aesthetic areas.” The stated intent of the Corridor Overlays section is to “preserve, enhance, and perpetuate the value of these roadway corridors.”

**DSD Position and Interpretation:**

Given that there is an exemption in Section 3000.002.(c)(6) of Texas Government Code as promulgated by HB 2439, it is DSD position that the exemption for the regulation of building materials and methods in NCDs and Corridor Overlays which existed in their current form as of April 1, 2019, applies, and that building materials and methods in these limited circumstances may continue to be regulated by these NCDs and Corridor Overlays.

DSD also holds the position that new NCDs and Corridor Overlays may be created after April 1, 2019, however, these NCDs and Corridor Overlays cannot regulate building materials and methods.

**Please reference RID #2019-005 for future UDC Amendments regarding NCDs and Corridor Districts.**

**Summary:**

This IB is for informational purposes only. Given that there is an exemption in HB 2439, it is DSD position that the exemption for the regulation of building materials and methods in NCDs and Corridor Overlays which existed in their current form as of April 1, 2019, applies. If you have any questions regarding this Information Bulletin, please call Tony Felts at (210) 207-0153.

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