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Local Ordinances Limiting Building Materials Impact Affordability, Aesthetic Diversity

Dealers grapple with laws restricting freedom to choose

By: Client SMEs

Last year, the state of Texas reversed a long-standing practice of allowing local municipalities to limit the type of building materials used in all new construction, maintenance and renovations. The new law, known as Texas House Bill 2439, sets nationally accepted codes as the only standards for cities to regulate construction within their boundaries. In turn, this allows professionals and homeowners—rather than a governmental body—to decide which building materials are most appropriate for the project, supporting freedom of choice.

Texas is not the only area impacted, though. For example, state laws in Arkansas and North Carolina have recently overridden restrictive local ordinances, and similar efforts are currently underway in parts of Tennessee. With this, we can provide an equal playing field for building products while positively impacting safety, affordability.

Basic architecture of overlay ordinances

Essentially, overlay ordinances govern the exclusive use of one or two building materials, restricting the use of all others. Many local governments enact ordinances on the premise of creating a specific aesthetic brand for their city. However, these restrictive standards increase the cost of the design and construction of homes, creating communities that are neither affordable nor accessible to a wider range of citizens.

How local ordinances impact code safety

Council members may vote for overlay ordinances under the mistaken assumption that certain building materials are safer than others. [Possibly delete remaining copy in paragraph.] While some building manufacturers tout fire resistance as a product benefit, most houses destroyed by fire started from within the home. According to the [National Fire Protection Association \(NFPA\)](#), the top causes of house fires are cooking, electrical, heating, candles and smoking—all which burn from the inside out, making arguments for exterior substrate invalid.

Texas HB 2439 mandates the inclusion of all building products permitted under the previous three code cycles. National building codes are developed by experts who scrutinize every

product. Ultimately, codes exist for a reason—to help assure the health, safety and welfare of all citizens—and doesn't forfeit superior quality for affordability. As long as national codes are met, builders and homeowners should have the freedom of choosing the best building materials for their home's architecture, preference and price.

How local overlay ordinances affect affordability

Restrictive ordinances disproportionately impact lower income groups by forcing the use of expensive products, pricing them out of the community. Young families, working families and retirees have a harder time finding affordable options where restrictive ordinances are enforced. For example, in Dallas-Fort Worth, Texas, the median price of a home increased from \$198,000 in 2010 to just shy of \$330,000 in 2019. Many of the area's masonry-only ordinances became effective during the decade.

The ripple effects can adversely affect a city long term. Culturally diverse communities are dynamic and typically attract like-minded businesses, all which drive a good local economy, tax base and even school performance.

How local overlays add aesthetic monotony

While city officials use masonry material overlays to promote a specific "brand aesthetic," the opposite often emerges: a homogeneous community that's seemingly monotonous. With no variety or differentiation, communities can easily lose their aesthetic identification.

Homes are an expression of the families who live inside and most homeowners want their exterior to stand out from their neighbors. Additionally, many homebuyers desire to live in a diverse neighborhood of older and newer homes, with a variety of architectural styles and aesthetics. Even with an eclectic collection of ranches, bungalows and modern farmhouses, homes in a neighborhood all tend to look like they belong together.

What you can do

Sound policy must promote diversity, not exclusion. At its core, that is what House Bill 2439 and similar local efforts across the country are striving for. As long as national codes are met, freedom of choice will organically cultivate safe, affordable and aesthetically diverse communities.

If your community has enacted or is considering a materials-restrictive policy, contact your local Home Builders Association for free educational opportunities and grassroots activities.