

By: Zedler, Howard

H.B. No. 1279

Substitute the following for H.B. No. 1279:

By: Elkins

C.S.H.B. No. 1279

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a restrictive covenant, rule, or other prohibition  
3 regulating a homeowner's display of a flag.

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

5 SECTION 1. Chapter 202, Property Code, is amended by adding  
6 Section 202.007 to read as follows:

7 Sec. 202.007. REGULATION OF DISPLAY OF FLAG. (a) Except as  
8 provided by Subsection (b), a property owners' association may  
9 enforce a restrictive covenant that prohibits or restricts the  
10 display of a flag by a property owner on a flagpole on the owner's  
11 property only if the prohibition or restriction is clearly and  
12 specifically stated in the covenant.

13 (b) A restrictive covenant, rule, or other prohibition may  
14 not be adopted that prevents a property owner from displaying the  
15 United States flag or the Texas flag in a size not larger than three  
16 feet by five feet:

17 (1) in a respectful manner on the owner's property on a  
18 flagpole that is 18 feet tall or shorter if the property is  
19 one-third of an acre or larger; or

20 (2) in any other respectful manner on the owner's  
21 property.

22 (c) This section does not prohibit the adoption of a  
23 restrictive covenant or rule allowing the display of a flag larger  
24 than three feet by five feet.

1        (d) For purposes of this section, the United States flag or  
2 the Texas flag is displayed in a respectful manner if the flag is  
3 displayed in the manner provided by Section 3100.004, Government  
4 Code, and Subchapter B, Chapter 3100, Government Code, or 4 U.S.C.  
5 Sections 6-8, as amended.

6            SECTION 2. (a) This Act takes effect September 1, 2003.

7            (b) Except as provided by Subsection (c) of this section,  
8 Section 202.007, Property Code, as added by this Act, applies only  
9 to a restrictive covenant, rule, or other prohibition adopted on or  
10 after the effective date of this Act. A restrictive covenant, rule,  
11 or other prohibition adopted before the effective date of this Act  
12 is governed by the law in effect immediately before that date, and  
13 that law is continued in effect for that purpose.

14            (c) Section 202.007(a), Property Code, as added by this Act,  
15 applies to a restrictive covenant, rule, or other prohibition  
16 adopted before, on, or after the effective date of this Act.