

By: Smith of Tarrant

H.B. No. 2802

A BILL TO BE ENTITLED

AN ACT

relating to a restrictive covenant, rule, or other prohibition
regulating a homeowner's display of the United States flag.

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

SECTION 1. Chapter 202, Property Code, is amended by adding
Section 202.008 to read as follows:

Sec. 202.008. REGULATION OF DISPLAY OF FLAG. (a) A
property owners' association may not enforce a restrictive covenant
that prohibits or restricts the display of the United States flag by
a property owner on the owner's property unless the prohibition or
restriction is clearly and specifically stated in the covenant.

(b) A restrictive covenant, rule, or other prohibition may
not be adopted if the prohibition or restriction prevents a
property owner from displaying the United States flag in a size not
larger than three feet by five feet in a respectful manner on the
owner's property.

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

(d) For purposes of this section, the United States flag is
displayed in a respectful manner if the flag is displayed in the
manner provided by 4 U.S.C. Sections 6-8, as amended.

SECTION 2. Section 202.008(a), Property Code, as added by
this Act, applies to a restrictive covenant, rule, or other

1 prohibition adopted before, on, or after the effective date of this
2 Act.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2005.