

By: Nelson

S.B. No. 54

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:

(1) allowing the display of the United States flag  
larger than three feet by five feet; or

(2) restricting the location of the display of the  
United States flag on an owner's property or the size of a flagpole  
that may be used for the display.

(d) For purposes of this section, the United States flag is

1 displayed in a respectful manner if the flag is displayed in the  
2 manner provided by 4 U.S.C. Sections 6-8.

3 SECTION 2. Subsection (a), Section 202.008, Property Code,  
4 as added by this Act, applies to a restrictive covenant, rule, or  
5 other prohibition adopted before, on, or after the effective date  
6 of this Act.

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