

BILL ANALYSIS

H.B. 3025
By: Coleman
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Some property owners' associations currently prohibit a property owner or resident from displaying or affixing a religious item on the entry to the owner's or resident's dwelling. A property owner or resident may be fined for not removing the item. In some cases, regulation by the association depends on the religion that the item represents.

H.B. 3025 prohibits a property owners' association from prohibiting its property owners or residents from displaying religious items on the entry of their dwellings.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3025 amends the Property Code to prohibit a property owners' association from enforcing or adopting a restrictive covenant that prohibits a property owner or resident from displaying or affixing on the entry to the owner's or resident's dwelling one or more religious items required to be displayed by a tenet of the owner's or resident's religion, including a mezuzah. The bill exempts from this prohibition the enforcement or adoption of a covenant that prohibits the display or affixing of such an item that threatens the public health or safety; violates a law; or contains language, graphics, or any display that would be offensive to an ordinary person. The bill authorizes a property owners' association to remove an item displayed in violation of a permitted restrictive covenant.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.