

By: Smith of Tarrant

H.B. No. 147

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a restrictive covenant, rule, or other prohibition  
3 regulating a homeowner's display of the United States 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 202.011 to read as follows:

7 Sec. 202.011. REGULATION OF DISPLAY OF FLAG. (a) A  
8 property owners' association may not enforce a restrictive covenant  
9 that prohibits or restricts the display of the United States flag by  
10 a property owner on the owner's property unless the prohibition or  
11 restriction is clearly and specifically stated in the covenant.

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

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

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

23 SECTION 2. Section 202.011(a), Property Code, as added by  
24 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, 2009.