

## **BILL ANALYSIS**

H.B. 1278  
By: Coleman  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Some property owners' associations prohibit their owners and residents from posting religious items on the doors of their dwellings. An owner or resident who refuses to remove such an item risks being fined by the association. In some cases, the association's prohibition depends on the religion the object represents.

H.B. 1278 prohibits a property owners' association from enforcing or adopting a restrictive covenant that prohibits a property owner or resident from displaying on the entry to the owner's or resident's dwelling one or more religious items expected to be displayed by a tenet of the owner's or resident's religion. The bill exempts certain items from this prohibition and authorizes a property owners' association to remove an item displayed in violation of a restrictive covenant permitted by the bill's provisions.

### **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. 1278 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 that are expected to be displayed by a tenet of the owner's or resident's religion. The bill specifies that the prohibition does not prohibit the enforcement or adoption of a covenant that, to the extent allowed by the Texas Constitution and the United States Constitution, prohibits the display or affixing of a religious item on the entry to the owner's or resident's dwelling that threatens the public health or safety; violates a law; contains language, graphics, or any display that is patently offensive to a passerby; is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the dwelling; or individually or in combination with each other religious item displayed or affixed on the entry door or frame has a total size of greater than 25 square inches.

H.B. 1278 specifies that, except as otherwise provided, the bill's provisions do not authorize an owner or resident to use a material or color for an entry door or door frame of the owner's or resident's dwelling or to make an alteration to the entry door or door frame that is not authorized by the restrictive covenants governing the dwelling. The bill authorizes a property owners' association to remove an item displayed in violation of a restrictive covenant permitted by the bill's provisions.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.