

By: Coleman

H.B. No. 1278

A BILL TO BE ENTITLED

AN ACT

relating to regulation by a property owners' association of certain religious displays.

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

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.018 to read as follows:

Sec. 202.018. REGULATION OF DISPLAY OF CERTAIN RELIGIOUS ITEMS. (a) Except as otherwise provided by this section, a property owners' association may not enforce or adopt 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.

(b) This section does not prohibit the enforcement or adoption of a covenant that, to the extent allowed by the constitution of this state and the United States, prohibits the display or affixing of a religious item on the entry to the owner's or resident's dwelling that:

(1) threatens the public health or safety;

(2) violates a law;

(3) contains language, graphics, or any display that is patently offensive to a passerby;

(4) is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the

1 owner's or resident's dwelling; or
2 (5) individually or in combination with each other
3 religious item displayed or affixed on the entry door or door frame
4 has a total size of greater than 25 square inches.

5 (c) Except as otherwise provided by this section, this
6 section does not authorize an owner or resident to use a material or
7 color for an entry door or door frame of the owner's or resident's
8 dwelling or make an alteration to the entry door or door frame that
9 is not authorized by the restrictive covenants governing the
10 dwelling.

11 (d) A property owners' association may remove an item
12 displayed in violation of a restrictive covenant permitted by this
13 section.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2011.