

1-1 By: Coleman, Riddle, Hochberg H.B. No. 1278
1-2 (Senate Sponsor - Seliger)
1-3 (In the Senate - Received from the House May 9, 2011;
1-4 May 10, 2011, read first time and referred to Committee on
1-5 Intergovernmental Relations; May 19, 2011, reported favorably by
1-6 the following vote: Yeas 5, Nays 0; May 19, 2011, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to regulation by a property owners' association of certain
1-10 religious displays.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 202, Property Code, is amended by adding
1-13 Section 202.018 to read as follows:

1-14 Sec. 202.018. REGULATION OF DISPLAY OF CERTAIN RELIGIOUS
1-15 ITEMS. (a) Except as otherwise provided by this section, a
1-16 property owners' association may not enforce or adopt a restrictive
1-17 covenant that prohibits a property owner or resident from
1-18 displaying or affixing on the entry to the owner's or resident's
1-19 dwelling one or more religious items that are expected to be
1-20 displayed by a tenet of the owner's or resident's religion.

1-21 (b) This section does not prohibit the enforcement or
1-22 adoption of a covenant that, to the extent allowed by the
1-23 constitution of this state and the United States, prohibits the
1-24 display or affixing of a religious item on the entry to the owner's
1-25 or resident's dwelling that:

1-26 (1) threatens the public health or safety;

1-27 (2) violates a law;

1-28 (3) contains language, graphics, or any display that
1-29 is patently offensive to a passerby;

1-30 (4) is in a location other than the entry door or door
1-31 frame or extends past the outer edge of the door frame of the
1-32 owner's or resident's dwelling; or

1-33 (5) individually or in combination with each other
1-34 religious item displayed or affixed on the entry door or door frame
1-35 has a total size of greater than 25 square inches.

1-36 (c) Except as otherwise provided by this section, this
1-37 section does not authorize an owner or resident to use a material or
1-38 color for an entry door or door frame of the owner's or resident's
1-39 dwelling or make an alteration to the entry door or door frame that
1-40 is not authorized by the restrictive covenants governing the
1-41 dwelling.

1-42 (d) A property owners' association may remove an item
1-43 displayed in violation of a restrictive covenant permitted by this
1-44 section.

1-45 SECTION 2. This Act takes effect immediately if it receives
1-46 a vote of two-thirds of all the members elected to each house, as
1-47 provided by Section 39, Article III, Texas Constitution. If this
1-48 Act does not receive the vote necessary for immediate effect, this
1-49 Act takes effect September 1, 2011.

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