

By: Fletcher

H.B. No. 2129

A BILL TO BE ENTITLED

AN ACT

relating to a restrictive covenant, rule, or other prohibition
regulating a homeowner's display of the United States flag.

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

SECTION 1. Chapter 202, Property Code, is amended by adding
Section 202.011 to read as follows:

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

(b) A restrictive covenant, rule, or other prohibition may
not be adopted or enforced if the prohibition or restriction
prevents a property owner from displaying the United States flag:

(1) in a size not larger than four feet by six feet;

(2) in the area behind the family home on the owner's
property;

(3) on a flagpole not more than 25 feet tall; and

(4) in a respectful manner.

(c) This section does not prohibit the adoption or
enforcement of a restrictive covenant or rule allowing the display
of the United States flag larger than four feet by six feet.

(d) For purposes of this section, the United States flag is
displayed in a respectful manner if the flag is displayed in the

1 manner provided by 4 U.S.C. Sections 6-8, as amended.

2 SECTION 2. Section 202.011(a), Property Code, as added by
3 this Act, applies to a restrictive covenant, rule, or other
4 prohibition adopted before, on, or after the effective date of this
5 Act.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2011.