

AN ACT

relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.

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. FLAG DISPLAY. (a) A property owners' association may not, except as provided in this section, adopt or enforce a dedicatory instrument provision that prohibits, restricts, or has the effect of prohibiting or restricting an owner from the display of:

(1) the flag of the United States of America;

(2) the flag of the State of Texas; or

(3) an official or replica flag of any branch of the United States armed forces.

(b) A property owners' association may adopt or enforce reasonable dedicatory instrument provisions:

(1) that require:

(A) the flag of the United States be displayed in accordance with 4 U.S.C. Sections 5-10;

(B) the flag of the State of Texas be displayed in accordance with Chapter 3100, Government Code;

(C) a flagpole attached to a dwelling or a freestanding flagpole be constructed of permanent, long-lasting

1 materials, with a finish appropriate to the materials used in the
2 construction of the flagpole and harmonious with the dwelling;

3 (D) the display of a flag, or the location and
4 construction of the supporting flagpole, to comply with applicable
5 zoning ordinances, easements, and setbacks of record; and

6 (E) a displayed flag and the flagpole on which it
7 is flown be maintained in good condition and that any deteriorated
8 flag or deteriorated or structurally unsafe flagpole be repaired,
9 replaced, or removed;

10 (2) that regulate the size, number, and location of
11 flagpoles on which flags are displayed, except that the regulation
12 may not prevent the installation or erection of at least one
13 flagpole per property that is not more than 20 feet in height;

14 (3) that govern the size of a displayed flag;

15 (4) that regulate the size, location, and intensity of
16 any lights used to illuminate a displayed flag;

17 (5) that impose reasonable restrictions to abate noise
18 caused by an external halyard of a flagpole; or

19 (6) that prohibit a property owner from locating a
20 displayed flag or flagpole on property that is:

21 (A) owned or maintained by the property owners'
22 association; or

23 (B) owned in common by the members of the
24 association.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 2779

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 2779 was passed by the House on April 20, 2011, by the following vote: Yeas 143, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2779 on May 26, 2011, by the following vote: Yeas 146, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2779 was passed by the Senate, with amendments, on May 23, 2011, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor