

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Coleman, Riddle, Hochberg

H.B. No. 1278

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to regulation by a property owners' association of certain  
3 religious displays.

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

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

7 Sec. 202.018. REGULATION OF DISPLAY OF CERTAIN RELIGIOUS  
8 ITEMS. (a) Except as otherwise provided by this section, a  
9 property owners' association may not enforce or adopt a restrictive  
10 covenant that prohibits a property owner or resident from  
11 displaying or affixing on the entry to the owner's or resident's  
12 dwelling one or more religious items that are expected to be  
13 displayed by a tenet of the owner's or resident's religion.

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

19 (1) threatens the public health or safety;

20 (2) violates a law;

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

23 (4) is in a location other than the entry door or door  
24 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.

# ADOPTED

MAY 21 2011

*Atay Spaul*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Seliger*

1 Amend H.B. No. 1278, in SECTION 1 of the bill, in added  
2 Section 202.018(a), Property Code (senate committee printing, page  
3 1, lines 19 and 20), by striking "that are expected to be displayed  
4 by a tenet of the owner's or resident's religion" and substituting  
5 "the display of which is motivated by the owner's or resident's  
6 sincere religious belief".

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 21, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1278** by Coleman (Relating to regulation by a property owners' association of certain religious displays.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, SD, KKR, AG, TP

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 16, 2011**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1278** by Coleman (Relating to regulation by a property owners' association of certain religious displays.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KKR, AG, TP

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 11, 2011**

**TO:** Honorable Joe Deshotel, Chair, House Committee on Business & Industry

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1278** by Coleman (Relating to regulation by a property owners' association of certain religious displays.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, AG, TP