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H.B. No. 680

A BILL TO BE ENTITLED

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. Section 202.001, Property Code, is amended by adding Subdivision (5) to read as follows:

(5) "Front yard" means a yard extending the full width of a lot between the front lot line and the front setback line.

SECTION 2. Section 202.011(b), Property Code, as added by Chapter 1028 (H.B. 2779), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

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

(D) the display of a flag, or the location and construction of the supporting flagpole, to comply with applicable

1 zoning ordinances, easements, and setbacks of record; and

2 (E) a displayed flag and the flagpole on which it
3 is flown be maintained in good condition and that any deteriorated
4 flag or deteriorated or structurally unsafe flagpole be repaired,
5 replaced, or removed;

6 (2) that regulate the size, number, and location of
7 flagpoles on which flags are displayed, except that the regulation
8 may not prevent the installation or erection of at least one
9 flagpole per property that:

10 (A) is not more than 20 feet in height; or

11 (B) is located in the front yard of the property;

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

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

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

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

19 (A) owned or maintained by the property owners'
20 association; or

21 (B) owned in common by the members of the
22 association.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2013.