

1-1 By: Burkett, et al. (Senate Sponsor - Patrick) H.B. No. 680
 1-2 (In the Senate - Received from the House April 4, 2013;
 1-3 April 10, 2013, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 17, 2013, reported adversely,
 1-5 with favorable Committee Substitute by the following vote: Yeas 4,
 1-6 Nays 0; May 17, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 680 By: Garcia

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to provisions in the dedicatory instruments of property
 1-18 owners' associations regarding display of flags.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 202.001, Property Code, is amended by
 1-21 adding Subdivision (5) to read as follows:

1-22 (5) "Front yard" means a yard within a lot having a
 1-23 front building setback line with a setback of not less than 20 feet
 1-24 extending the full width of the lot between the front lot line and
 1-25 the front building setback line.

1-26 SECTION 2. Section 202.011, Property Code, as added by
 1-27 Chapter 1028 (H.B. 2779), Acts of the 82nd Legislature, Regular
 1-28 Session, 2011, is amended by amending Subsection (b) and adding
 1-29 Subsection (c) to read as follows:

1-30 (b) A property owners' association may adopt or enforce
 1-31 reasonable dedicatory instrument provisions:

1-32 (1) that require:

1-33 (A) the flag of the United States be displayed in
 1-34 accordance with 4 U.S.C. Sections 5-10;

1-35 (B) the flag of the State of Texas be displayed in
 1-36 accordance with Chapter 3100, Government Code;

1-37 (C) a flagpole attached to a dwelling or a
 1-38 freestanding flagpole be constructed of permanent, long-lasting
 1-39 materials, with a finish appropriate to the materials used in the
 1-40 construction of the flagpole and harmonious with the dwelling;

1-41 (D) the display of a flag, or the location and
 1-42 construction of the supporting flagpole, to comply with applicable
 1-43 zoning ordinances, easements, and setbacks of record; and

1-44 (E) a displayed flag and the flagpole on which it
 1-45 is flown be maintained in good condition and that any deteriorated
 1-46 flag or deteriorated or structurally unsafe flagpole be repaired,
 1-47 replaced, or removed;

1-48 (2) that regulate the size, number, and location of
 1-49 flagpoles on which flags are displayed, except that the regulation
 1-50 may not prevent the installation or erection of at least one
 1-51 flagpole per property that:

1-52 (A) is not more than 20 feet in height and,
 1-53 subject to applicable zoning ordinances, easements, and setbacks of
 1-54 record, is located in the front yard of the property; or

1-55 (B) is attached to any portion of a residential
 1-56 structure owned by the property owner and not maintained by the
 1-57 property owners' association;

1-58 (3) that govern the size of a displayed flag;

1-59 (4) that regulate the size, location, and intensity of
 1-60 any lights used to illuminate a displayed flag;

2-1 (5) that impose reasonable restrictions to abate noise
2-2 caused by an external halyard of a flagpole; [~~or~~]

2-3 (6) that prohibit a property owner from locating a
2-4 displayed flag or flagpole on property that is:

2-5 (A) owned or maintained by the property owners'
2-6 association; or

2-7 (B) owned in common by the members of the
2-8 association; or

2-9 (7) that prohibit a flagpole that was installed
2-10 without prior approval by the property owners' association or by a
2-11 committee created in a dedicatory instrument for such purposes that
2-12 provides decisions within a reasonable period or within a period
2-13 specified in the dedicatory instrument.

2-14 (c) A property owner who has a front yard and who otherwise
2-15 complies with any permitted property owners' association
2-16 regulations may elect to install a flagpole in accordance with
2-17 either Subsection (b)(2)(A) or Subsection (b)(2)(B).

2-18 SECTION 3. This Act takes effect immediately if it receives
2-19 a vote of two-thirds of all the members elected to each house, as
2-20 provided by Section 39, Article III, Texas Constitution. If this
2-21 Act does not receive the vote necessary for immediate effect, this
2-22 Act takes effect September 1, 2013.

2-23 * * * * *