

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Burkett, Bohac, Fletcher, Deshotel,  
Workman, et al.

H.B. No. 680

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to provisions in the dedicatory instruments of property  
3 owners' associations regarding display of flags.

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

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

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

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

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

14 (1) that require:

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

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

19 (C) a flagpole attached to a dwelling or a  
20 freestanding flagpole be constructed of permanent, long-lasting  
21 materials, with a finish appropriate to the materials used in the  
22 construction of the flagpole and harmonious with the dwelling;

23 (D) the display of a flag, or the location and  
24 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.

**ADOPTED**

MAY 22 2013

*Atty. Gen.*  
Secretary of the Senate

By: *[Signature]*

H..B. No. 680

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: *[Signature]*

C.S.H..B. No. 680

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to provisions in the dedicatory instruments of property  
3 owners' associations regarding display of flags.

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

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

7 (5) "Front yard" means a yard within a lot having a  
8 front building setback line with a setback of not less than 20 feet  
9 extending the full width of the lot between the front lot line and  
10 the front building setback line.

11 SECTION 2. Section 202.011, Property Code, as added by  
12 Chapter 1028 (H.B. 2779), Acts of the 82nd Legislature, Regular  
13 Session, 2011, is amended by amending Subsection (b) and adding  
14 Subsection (c) to read as follows:

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

17 (1) that require:

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

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

22 (C) a flagpole attached to a dwelling or a  
23 freestanding flagpole be constructed of permanent, long-lasting  
24 materials, with a finish appropriate to the materials used in the

1 construction of the flagpole and harmonious with the dwelling;

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

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

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

13 (A) is not more than 20 feet in height and,  
14 subject to applicable zoning ordinances, easements, and setbacks of  
15 record, is located in the front yard of the property; or

16 (B) is attached to any portion of a residential  
17 structure owned by the property owner and not maintained by the  
18 property owners' association;

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

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

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

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

26 (A) owned or maintained by the property owners'  
27 association; or

1 (B) owned in common by the members of the  
2 association; or

3 (7) that prohibit a flagpole that was installed  
4 without prior approval by the property owners' association or by a  
5 committee created in a dedicatory instrument for such purposes that  
6 provides decisions within a reasonable period or within a period  
7 specified in the dedicatory instrument.

8 (c) A property owner who has a front yard and who otherwise  
9 complies with any permitted property owners' association  
10 regulations may elect to install a flagpole in accordance with  
11 either Subsection (b)(2)(A) or Subsection (b)(2)(B).

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

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 23, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB680** by Burkett (Relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.), **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:** UP, SD, KKR, RB, AG

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 17, 2013**

**TO:** Honorable Juan Hinojosa, Chair, Senate Committee on Intergovernmental Relations

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB680** by Burkett (relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags. ), **Committee Report 2nd House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, KKR, RB, AG

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 3, 2013**

**TO:** Honorable Juan Hinojosa, Chair, Senate Committee on Intergovernmental Relations

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB680** by Burkett (Relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, KKR, RB, AG



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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 4, 2013**

**TO:** Honorable René Oliveira, Chair, House Committee On Business & Industry

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB680** by Burkett (Relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.), **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:** UP, RB, AG