

By: Murr

H.B. No. 3460

Substitute the following for H.B. No. 3460:

By: Oliveira

C.S.H.B. No. 3460

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. Sections 202.012(a) and (b), Property Code, are
6 amended to read as follows:

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

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

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

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

15 (4) any variation of a Gold Star, Silver Star, or Blue
16 Star service flag;

17 (5) any variation of a POW/MIA flag; or

18 (6) any historical flag of the State of Texas.

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

21 (1) that require:

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

24 (B) the flag of the State of Texas be displayed in

1 accordance with Chapter 3100, Government Code;

2 (C) a flagpole attached to a dwelling or a
3 freestanding flagpole be constructed of permanent, long-lasting
4 materials, with a finish appropriate to the materials used in the
5 construction of the flagpole and harmonious with the dwelling;

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

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

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

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

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

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

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

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

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

3 (A) owned or maintained by the property owners'
4 association; or

5 (B) owned in common by the members of the
6 association; or

7 (7) that prohibit the display of more than three
8 flags.

9 SECTION 2. This Act takes effect September 1, 2015.