

By: Bettencourt, et al.
(Schofield)

S.B. No. 581

A BILL TO BE ENTITLED

AN ACT

relating to regulation by a property owners' association of certain religious displays.

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

SECTION 1. Sections 202.018(a) and (b), Property Code, are amended to read as follows:

(a) Except as otherwise provided by this section, a property owners' association may not enforce or adopt a provision in a dedicatory instrument, including a restrictive covenant, that prohibits a property owner or resident from displaying or affixing on the [~~entry to the~~] owner's or resident's property or dwelling one or more religious items the display of which is motivated by the owner's or resident's sincere religious belief.

(b) This section does not prohibit the enforcement or adoption of a provision in a dedicatory instrument, including a restrictive covenant, that, to the extent allowed by the constitution of this state and the United States, prohibits the display or affixing of a religious item on the [~~entry to the~~] owner's or resident's property or dwelling that:

(1) threatens the public health or safety;

(2) violates a law other than a law prohibiting the display of religious speech;

(3) contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its

1 religious content;

2 (4) is installed on property:

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

5 (B) owned in common by members of the property
6 owners' association;

7 (5) violates any applicable building line,
8 right-of-way, setback, or easement; or

9 (6) is attached to a traffic control device, street
10 lamp, fire hydrant, or utility sign, pole, or fixture [in a location
11 other than the entry door or door frame or extends past the outer
12 edge of the door frame of the owner's or resident's dwelling; or

13 [~~(5) individually or in combination with each other~~
14 ~~religious item displayed or affixed on the entry door or door frame~~
15 ~~has a total size of greater than 25 square inches].~~

16 SECTION 2. Sections 202.018(c) and (d), Property Code, are
17 repealed.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2021.