

By: Bettencourt, Creighton, Kolthorst

S.B. No. 581

A BILL TO BE ENTITLED

AN ACT

1
2 relating to regulation by a property owners' association of certain
3 religious displays.

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

5 SECTION 1. Section 202.018, Property Code, is amended by
6 amending Subsections (a) and (b) and adding Subsections (b-1),
7 (b-2), and (b-3) to read as follows:

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

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

21 (1) threatens the public health or safety;

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

24 (3) contains language, graphics, or any display that

1 is patently offensive to a passerby for reasons other than its
2 religious content; or

3 (4) is installed on property:

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

6 (B) owned in common by members of the property
7 owners' association [~~in a location other than the entry door or door~~
8 ~~frame or extends past the outer edge of the door frame of the~~
9 ~~owner's or resident's dwelling; or~~

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

13 (b-1) Except as provided by Subsection (b-3), a property
14 owners' association may enforce a provision of a dedicatory
15 instrument, including a restrictive covenant, that prohibits:

16 (1) the display of a religious item for more than 30
17 days if the item:

18 (A) contains roofing material, siding, paving
19 materials, one or more balloons or lights, or any other similar
20 building component;

21 (B) is attached in any way to a traffic control
22 device, a light, a trailer, a vehicle, or any other existing
23 structure or object;

24 (C) includes the painting of architectural
25 surfaces;

26 (D) is a display that contains:

27 (i) more than two components; or

1 (ii) a component that is larger than three
2 feet by three feet by two feet;

3 (E) violates any applicable building line,
4 right-of-way, setback, or easement;

5 (F) is accompanied by music, sounds, lights,
6 reflective material, or streamers or is otherwise distracting to
7 motorists;

8 (G) is not maintained as provided by law or a
9 dedicatory instrument; or

10 (H) is installed without prior approval of the
11 property owners' association or the association's architectural
12 control committee, as applicable, if:

13 (i) the approval of the association or
14 committee is otherwise required by a dedicatory instrument; and

15 (ii) the association or committee provides
16 decisions on prior approval requests within a reasonable period or
17 within a period specified in a dedicatory instrument; or

18 (2) the display of a religious item that is subject to
19 restriction under Subdivision (1) for a religious event or holiday:

20 (A) earlier than the 30th day before the date on
21 which the religious event or holiday begins; or

22 (B) later than the 14th day after the date on
23 which the religious event or holiday ends.

24 (b-2) If prior approval of a display is required, a property
25 owners' association or the association's architectural control
26 committee, as applicable, shall approve an owner's or resident's
27 request to display a religious item if the display of the item

1 complies with the association's dedicatory instruments consistent
2 with Subsections (b) and (b-1)(1). The association shall notify
3 owners and residents that approval of the display of a religious
4 item is required for a display that is not subject to restriction
5 under Subsection (b) or Subsections (b-1)(1)(A) through (G).

6 (b-3) Subsection (b-1) is not a basis to prohibit an owner
7 or resident from affixing on the entry door or door frame of the
8 owner's or resident's dwelling one or more religious items the
9 display of which is motivated by the owner's or resident's sincere
10 religious belief if the items:

11 (1) do not extend past the outer edge of the door frame
12 of the dwelling; and

13 (2) individually or in combination with each other do
14 not exceed 25 square inches.

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

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