

BILL ANALYSIS

Senate Research Center
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H.B. 1278
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some property owners' associations prohibit their owners and residents from posting religious items on the doors of their dwellings. An owner or resident who refuses to remove such an item risks being fined by the association. In some cases, the association's prohibition depends on the religion the object represents.

H.B. 1278 amends the Property Code to prohibit a property owners' association from enforcing or adopting a restrictive covenant that prohibits a property owner or resident from displaying or affixing on the entry to the owner's or resident's dwelling one or more religious items that are expected to be displayed by a tenet of the owner's or resident's religion. The bill specifies that the prohibition does not prohibit the enforcement or adoption of a covenant that, to the extent allowed by the Texas Constitution and the United States Constitution, prohibits the display or affixing of a religious item on the entry to the owner's or resident's dwelling that threatens the public health or safety; violates a law; contains language, graphics, or any display that is patently offensive to a passerby; is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the dwelling; or individually or in combination with each other religious item displayed or affixed on the entry door or frame has a total size of greater than 25 square inches.

H.B. 1278 specifies that, except as otherwise provided, the bill's provisions do not authorize an owner or resident to use a material or color for an entry door or door frame of the owner's or resident's dwelling or to make an alteration to the entry door or door frame that is not authorized by the restrictive covenants governing the dwelling. The bill authorizes a property owners' association to remove an item displayed in violation of a restrictive covenant permitted by the bill's provisions.

H.B. 1278 amends current law relating to regulation by a property owners' association of certain religious displays.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 202, Property Code, by adding Section 202.018, as follows:

Sec. 202.018. REGULATION OF DISPLAY OF CERTAIN RELIGIOUS ITEMS. (a) Prohibits a property owners' association, except as otherwise provided by this section, from enforcing or adopting a restrictive covenant that prohibits a property owner or resident from displaying or affixing on the entry to the owner's or resident's dwelling one or more religious items that are expected to be displayed by a tenet of the owner's or resident's religion.

(b) Provides that this section does not prohibit the enforcement or adoption of a 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 dwelling that:

- (1) threatens the public health or safety;
- (2) violates a law;
- (3) contains language, graphics, or any display that is patently offensive to a passerby;
- (4) is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the owner's or resident's dwelling; or
- (5) individually or in combination with each other religious item displayed or affixed on the entry door or door frame has a total size of greater than 25 square inches.

(c) Provides that except as otherwise provided by this section, this section does not authorize an owner or resident to use a material or color for an entry door or door frame of the owner's or resident's dwelling or make an alteration to the entry door or door frame that is not authorized by the restrictive covenants governing the dwelling.

(d) Authorizes a property owners' association to remove an item displayed in violation of a restrictive covenant permitted by this section.

SECTION 2. Effective date: upon passage or September 1, 2011.