

1-1 By: Bettencourt, Kolkhorst S.B. No. 1609
 1-2 (In the Senate - Filed March 9, 2017; March 21, 2017, read
 1-3 first time and referred to Committee on Business and Commerce; May
 1-4 10, 2017, rereferred to Committee on Intergovernmental Relations;
 1-5 May 12, 2017, reported adversely, with favorable Committee
 1-6 Substitute by the following vote: Yeas 6, Nays 0; May 12, 2017,
 1-7 sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 COMMITTEE SUBSTITUTE FOR S.B. No. 1609 By: Bettencourt

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to regulation by a property owners' association of certain
 1-21 religious displays.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 202.018, Property Code, is amended by
 1-24 amending Subsections (a) and (b) and adding Subsections (b-1),
 1-25 (b-2), and (b-3) to read as follows:

1-26 (a) Except as otherwise provided by this section, a property
 1-27 owners' association may not enforce or adopt a provision in a
 1-28 dedicatory instrument, including a restrictive covenant, that
 1-29 prohibits a property owner or resident from displaying or affixing
 1-30 on the [entry to the] owner's or resident's property or dwelling one
 1-31 or more religious items the display of which is motivated by the
 1-32 owner's or resident's sincere religious belief.

1-33 (b) This section does not prohibit the enforcement or
 1-34 adoption of a provision in a dedicatory instrument, including a
 1-35 restrictive covenant, that, to the extent allowed by the
 1-36 constitution of this state and the United States, prohibits the
 1-37 display or affixing of a religious item on the [entry to the]
 1-38 owner's or resident's property or dwelling that:

1-39 (1) threatens the public health or safety;

1-40 (2) violates a law other than a law prohibiting the
 1-41 display of religious speech;

1-42 (3) contains language, graphics, or any display that
 1-43 is patently offensive to a passerby for reasons other than its
 1-44 religious content; or

1-45 (4) is installed on property:

1-46 (A) owned or maintained by the property owners'
 1-47 association; or

1-48 (B) owned in common by members of the property
 1-49 owners' association [in a location other than the entry door or door
 1-50 frame or extends past the outer edge of the door frame of the
 1-51 owner's or resident's dwelling; or

1-52 ~~[(5) individually or in combination with each other~~
 1-53 ~~religious item displayed or affixed on the entry door or door frame~~
 1-54 ~~has a total size of greater than 25 square inches].~~

1-55 (b-1) Except as provided by Subsection (b-3), a property
 1-56 owners' association may enforce a provision of a dedicatory
 1-57 instrument, including a restrictive covenant, that prohibits:

1-58 (1) the display of a religious item for more than 30
 1-59 days if the item:

1-60 (A) contains roofing material, siding, paving

2-1 materials, one or more balloons or lights, or any other similar
2-2 building component;
2-3 (B) is attached in any way to a traffic control
2-4 device, a light, a trailer, a vehicle, or any other existing
2-5 structure or object;
2-6 (C) includes the painting of architectural
2-7 surfaces;
2-8 (D) is a display that contains:
2-9 (i) more than two components; or
2-10 (ii) a component that is larger than three
2-11 feet by three feet by two feet;
2-12 (E) violates any applicable building line,
2-13 right-of-way, setback, or easement;
2-14 (F) is accompanied by music, sounds, lights,
2-15 reflective material, or streamers or is otherwise distracting to
2-16 motorists;
2-17 (G) is not maintained as provided by law or a
2-18 dedicatory instrument; or
2-19 (H) is installed without prior approval of the
2-20 property owners' association or the association's architectural
2-21 control committee, as applicable, if:
2-22 (i) the approval of the association or
2-23 committee is otherwise required by a dedicatory instrument; and
2-24 (ii) the association or committee provides
2-25 decisions on prior approval requests within a reasonable period or
2-26 within a period specified in a dedicatory instrument; or
2-27 (2) the display of a religious item that is subject to
2-28 restriction under Subdivision (1) for a religious event or holiday:
2-29 (A) earlier than the 30th day before the date on
2-30 which the religious event or holiday begins; or
2-31 (B) later than the 14th day after the date on
2-32 which the religious event or holiday ends.
2-33 (b-2) If prior approval of a display is required, a property
2-34 owners' association or the association's architectural control
2-35 committee, as applicable, shall approve an owner's or resident's
2-36 request to display a religious item if the display of the item
2-37 complies with the association's dedicatory instruments consistent
2-38 with Subsections (b) and (b-1)(1). The association shall notify
2-39 owners and residents that approval of the display of a religious
2-40 item is required for a display that is not subject to restriction
2-41 under Subsection (b) or Subsections (b-1)(1)(A) through (G).
2-42 (b-3) Subsection (b-1) is not a basis to prohibit an owner
2-43 or resident from affixing on the entry door or door frame of the
2-44 owner's or resident's dwelling one or more religious items the
2-45 display of which is motivated by the owner's or resident's sincere
2-46 religious belief if the items:
2-47 (1) do not extend past the outer edge of the door frame
2-48 of the dwelling; and
2-49 (2) individually or in combination with each other do
2-50 not exceed 25 square inches.
2-51 SECTION 2. Sections 202.018(c) and (d), Property Code, are
2-52 repealed.
2-53 SECTION 3. This Act takes effect immediately if it receives
2-54 a vote of two-thirds of all the members elected to each house, as
2-55 provided by Section 39, Article III, Texas Constitution. If this
2-56 Act does not receive the vote necessary for immediate effect, this
2-57 Act takes effect September 1, 2017.

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