

1-1 By: Bettencourt, Creighton, Kolkhorst S.B. No. 581
 1-2 (In the Senate - Filed February 4, 2021; March 11, 2021,
 1-3 read first time and referred to Committee on Local Government;
 1-4 March 29, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 29, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 581 By: Bettencourt

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to regulation by a property owners' association of certain
 1-22 religious displays.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Sections 202.018(a) and (b), Property Code, are
 1-25 amended 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;

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;

1-50 (5) violates any applicable building line,
 1-51 right-of-way, setback, or easement; or

1-52 (6) is attached to a traffic control device, street
 1-53 lamp, fire hydrant, or utility sign, pole, or fixture [~~in a location~~
 1-54 other than the entry door or door frame or extends past the outer
 1-55 edge of the door frame of the owner's or resident's dwelling; or

1-56 [~~(5) individually or in combination with each other~~
 1-57 ~~religious item displayed or affixed on the entry door or door frame~~
 1-58 ~~has a total size of greater than 25 square inches].~~

1-59 SECTION 2. Sections 202.018(c) and (d), Property Code, are
 1-60 repealed.

2-1 SECTION 3. This Act takes effect immediately if it receives
2-2 a vote of two-thirds of all the members elected to each house, as
2-3 provided by Section 39, Article III, Texas Constitution. If this
2-4 Act does not receive the vote necessary for immediate effect, this
2-5 Act takes effect September 1, 2021.

2-6

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