

BILL ANALYSIS

Senate Research Center
83R28087 PMO-D

C.S.H.B. 680
By: Burkett et al. (Patrick)
Intergovernmental Relations
5/17/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law prohibits a property owners' association from preventing the installation or erection of at least one flagpole per property that is not more than 20 feet in height. C.S.H.B. 680 seeks to prohibit restrictions on a homeowner who wishes to display a flag in the front yard of the property.

C.S.H.B. 680 amends current law relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.

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 Section 202.001, Property Code, by adding Subdivision (5) to define "front yard."

SECTION 2. Amends Section 202.011, Property Code, as added by Chapter 1028 (H.B. 2779), Acts of the 82nd Legislature, Regular Session, 2011, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Authorizes a property owners' association to adopt or enforce reasonable dedicatory instrument provisions:

(1) Makes no change to this subdivision;

(2) that regulate the size, number, and location of flagpoles on which flags are displayed, except that the regulation is prohibited from preventing the installation or erection of at least one flagpole per property that:

(A) is not more than 20 feet in height and, subject to applicable zoning ordinances, easements, and setbacks of record, is located in the front yard of the property; or

(B) is attached to any portion of a residential structure owned by the property owner and not maintained by the property owners' association;

(3)-(4) Makes no change to these subdivisions;

(5)-(6) Makes nonsubstantive changes; or

(7) that prohibit a flagpole that was installed without prior approval by the property owners' association or by a committee created in a dedicatory instrument for such purposes that provides decisions within a reasonable period or within a period specified in the dedicatory instrument.

(c) Authorizes a property owner who has a front yard and who otherwise complies with any permitted property owners' association regulations to elect to install a flagpole in accordance with either Subsection (b)(2)(A) or Subsection (b)(2)(B).

SECTION 3. Effective date: upon passage or September 1, 2013.