

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3025
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Intergovernmental Relations
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some property owners' associations currently prohibit a property owner or resident from displaying or affixing a religious item on the entry to the owner's or resident's dwelling. A property owner or resident may be fined for not removing the item. In some cases, regulation by the association depends on the religion the item represents.

C.S.H.B. 3025 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 required to be displayed by a tenet of the owner's or resident's religion, including a mezuzah. The bill exempts from this prohibition the enforcement or adoption of a covenant that prohibits the display or affixing of such item that threatens the public health or safety; violates a law; or contains language, graphics, or any display that would be offensive to an ordinary person. The bill authorizes a property owners' association to remove an item displayed in violation of a permitted restrictive covenant.

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 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 doorframe or extends past the outer edge of the doorframe of the owner's or resident's dwelling; or individually or in combination with each other religious item displayed or affixed on the entry door or doorframe 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 doorframe of the owner's or resident's dwelling or make an alteration to the entry door or doorframe 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, 2009.