

By: Bettencourt, Kolkhorst

S.B. No. 1609

A BILL TO BE ENTITLED

AN ACT

relating to regulation by a property owners' association of certain religious displays.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 202.018(a) and (b), Property Code, are amended to read as follows:

(a) Except as otherwise provided by this section, a property owners' association may not enforce or adopt a restrictive covenant that prohibits a property owner or resident from displaying or affixing on the ~~[entry to the]~~ owner's or resident's property ~~[dwelling]~~ one or more religious items the display of which is motivated by the owner's or resident's sincere religious belief.

(b) 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 property ~~[dwelling]~~ that:

(1) threatens the public health or safety;

(2) violates a law other than a law prohibiting the display of religious speech; or

(3) contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content [+]

~~[(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].~~

SECTION 2. Sections [202.018](#)(c) and (d), Property Code, are repealed.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section [39](#), Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.