

BILL ANALYSIS

Senate Research Center
85R1069 AJA-F

S.B. 1609
By: Bettencourt; Kolkhorst
Intergovernmental Relations
5/10/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some property owners' associations prohibit owners and residents from displaying religious items on the owners' property. An owner or resident who refuses to remove such an item is at risk for being fined by the association or having that item removed without notice.

S.B. 1609 prohibits a property owners' association from enforcing or adopting a restrictive covenant that prohibits a property owner or resident from displaying on the owner's or resident's property one or more religious items motivated by a sincerely held religious belief. S.B. 1609 removes provisions allowing property owners' associations to limit displays to the entry door of a residence and to limit the size to 25 square inches. S.B. 1609 provides that property owners' associations may not use any other law that restricts display of religious speech as justification for removal of religious displays.

S.B. 1609 allows the restriction of displays that threaten public safety, violate a law other than a law prohibiting display of religious speech, or are patently offensive for reasons other than religious content. S.B. 1609 allows for restrictions based on size, materials, and reasonable limits on displays that are displayed on an ongoing basis. S.B. 1609 clarifies that those restrictions do not apply to holiday displays. S.B. 1609 requires that a homeowner association approve any display that meets the allowable restrictions.

As proposed, S.B. 1609 amends current law relating to regulation by a property owners' association of certain religious displays.

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 Sections 202.018(a) and (b), Property Code, as follows:

(a) Prohibits a property owners' association from, except as otherwise provided by this section, enforcing or adopting a certain covenant or affixing on the owner's or resident's property, rather than affixing on the entry to the owner's or resident's dwelling, one or more religious items the display of which is motivated by the owner's or resident's sincere religious belief.

(b) Provides that this section does not prohibit the enforcement or adoption of a certain covenant that prohibits the display or affixing of certain items on the owner's or resident's property. Makes conforming changes.

SECTION 2. Repealer: Sections 202.018(c) (relating to use of certain material or color for an entry door or door frame) and (d) (relating to removal of a certain item), Property Code.

SECTION 3. Effective date: upon passage or September 1, 2017.