

AN ACT

relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.

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

SECTION 1. Section 202.001, Property Code, is amended by adding Subdivision (5) to read as follows:

(5) "Front yard" means a yard within a lot having a front building setback line with a setback of not less than 15 feet extending the full width of the lot between the front lot line and the front building setback line.

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

(b) A property owners' association may adopt or enforce reasonable dedicatory instrument provisions:

(1) that require:

(A) the flag of the United States be displayed in accordance with 4 U.S.C. Sections 5-10;

(B) the flag of the State of Texas be displayed in accordance with Chapter 3100, Government Code;

(C) a flagpole attached to a dwelling or a freestanding flagpole be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the

1 construction of the flagpole and harmonious with the dwelling;

2 (D) the display of a flag, or the location and  
3 construction of the supporting flagpole, to comply with applicable  
4 zoning ordinances, easements, and setbacks of record; and

5 (E) a displayed flag and the flagpole on which it  
6 is flown be maintained in good condition and that any deteriorated  
7 flag or deteriorated or structurally unsafe flagpole be repaired,  
8 replaced, or removed;

9 (2) that regulate the size, number, and location of  
10 flagpoles on which flags are displayed, except that the regulation  
11 may not prevent the installation or erection of at least one  
12 flagpole per property that:

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

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

19 (3) that govern the size of a displayed flag;

20 (4) that regulate the size, location, and intensity of  
21 any lights used to illuminate a displayed flag;

22 (5) that impose reasonable restrictions to abate noise  
23 caused by an external halyard of a flagpole; or

24 (6) that prohibit a property owner from locating a  
25 displayed flag or flagpole on property that is:

26 (A) owned or maintained by the property owners'  
27 association; or

1 (B) owned in common by the members of the  
2 association.

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

7 SECTION 3. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2013.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 680 was passed by the House on April 3, 2013, by the following vote: Yeas 145, Nays 2, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 680 on May 24, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 680 on May 26, 2013, by the following vote: Yeas 146, Nays 1, 2 present, not voting.

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Chief Clerk of the House

H.B. No. 680

I certify that H.B. No. 680 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 680 on May 26, 2013, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor