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Senate Unanimously Passes SB 1609, the Homeowners' Religious Freedom Act

Legislation authored by Senators Bettencourt and Kolkhorst, with five bipartisan co-authors

Austin – Today the Texas Senate unanimously by a vote of 30-0 passed the Homeowners Religious Freedom Act, providing protection for homeowners who wish to place certain religious displays on their front door. Too many homeowners' associations (HOAs) had adopted restrictive rules that would order the removal of religious displays on homeowners' property. SB 1609 was co-authored by Senators Donna Campbell (R-New Braunfels), Sylvia Garcia (D-Houston), Don Huffines (R-Dallas), Eddie Lucio Jr. (D-Brownsville) and Van Taylor (R-Plano).

"Homeowners should be able to display religious displays on their property because they own it, and the HOA does not own the property!" Senator Bettencourt said. **"Several of the most restrictive HOAs would ban any religious display by simply not allowing any materials to be displayed whatsoever. That's not right."**

SB 1609's key provisions include:

- Strikes the provisions limiting the right to religious displays to the front door, prohibiting the HOA from taking down any religious display on the property;
- Removes the provision allowing the HOA to effectively ban religious displays by having control of the allowable materials, or not allowing any at all; and
- Only allows the removal of displays that are patently offensive "for reasons other than religious content."

SB 1609's identical companion bill, House Bill 522, was heard and passed from a House committee; however, that bill died last week in the House. **"Everyone is entitled to their religious liberty, and HOAs should not be allowed to infringe upon that right,"** stated House sponsor Mike Schofield.

"The very basis of our constitutional rights is the principle that homeowners can express their personal beliefs on their own property," Senator Kolkhorst said.

"The bottom line is that if someone wants to put up a manger scene, as one Senator said it, they should be allowed to do so," Senator Bettencourt concluded.

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