

By: Schofield

H.B. No. 2450

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a property owners' association to regulate the assembly, association, and speech of property owners or residents.

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

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.013 to read as follows:

Sec. 202.013. REGULATION OF ASSEMBLY, ASSOCIATION, AND SPEECH. (a) Except as otherwise provided by this section, a property owners' association may not adopt or enforce a provision in a dedicatory instrument that:

(1) prohibits, restricts, or has the effect of prohibiting or restricting a property owner or resident from:

(A) peacefully assembling or meeting with property owners' association members, residents, or their invitees or guests at property owned or maintained by the property owners' association or owned in common by the property owners' association members; or

(B) inviting guest speakers, including public officials and candidates for public office, without prior approval by the property owners' association to address or meet with property owners' association members, residents, or their invitees or guests; or

(2) regulates, restricts, or has the effect of

1 regulating or restricting the content of a property owner's or  
2 resident's speech.

3 (b) This section does not prohibit the enforcement or  
4 adoption of a provision in a dedicatory instrument that, to the  
5 extent allowed by the constitutions of this state and the United  
6 States, prohibits speech or conduct that:

7 (1) threatens the public health or safety;

8 (2) violates a law; or

9 (3) contains language, graphics, or any display that  
10 is patently offensive to a passerby.

11 SECTION 2. This Act takes effect September 1, 2023.