

By: Jetton

H.B. No. 3775

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 related to governmental officials or candidates for political office.

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) This section does not apply to a common area of a property owners' association that is not made available for meetings:

(1) due to designated seasonal use; or

(2) other than a meeting of the property owners' association, the board of the property owners' association, or a committee of the association or the association's board.

(b) Except as otherwise provided by this section, a property owners' association may not adopt or enforce a provision in a dedicatory instrument that prohibits or has the effect of prohibiting a property owner or resident from inviting governmental officials and candidates who have been qualified in the appropriate election to run for public governmental office to address or meet with property owners' association members, residents, or their invitees in common areas of the association.

1 (c) A property owners' association may require gatherings
2 described by Subsection (b) to abide by the same provisions of a
3 dedicatory instrument that apply to any other gathering held in a
4 common area of the association, including a provision:

5 (1) requiring a room rental fee or deposit;

6 (2) limiting the maximum occupancy of the common area
7 where the meeting is to be held;

8 (3) establishing hours during which a meeting may be
9 held in the common area;

10 (4) specifying the common areas of the association
11 that are available to the association members for meetings; or

12 (5) requiring a written reservation or rental
13 agreement.

14 (d) This section does not apply to a property owners'
15 association that qualifies for tax exempt status under Section
16 501(c)(3), Internal Revenue Code of 1986.

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