

## **BILL ANALYSIS**

C.S.H.B. 1344  
By: Gattis  
Business & Industry  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Many Texans, who reside in suburban and urban areas, are members of a property owners' associations by virtue of purchasing real property which happens to be located within an association's geographic area. Section 202.001, Property Code, defines the term "property owners' association" to mean the following:

An incorporated or unincorporated association owned by or whose members consist primarily of the owners of the property covered by the dedicatory instrument and through which the owners, or the board of directors or similar governing body, manage or regulate the residential subdivision, planned unit development, condominium or townhouse regime, or similar planned development.

Property owners' associations are primarily responsible for maintaining the common property, such as parks and pools, and enforcement of deed restriction violations by members of the association.

Many associations have restrictions concerning political signs. While some allow their members to place political signs on the member's property, others have a blanket prohibition against such signs. House Bill 1344 relates to the association's regulation of political signs.

The purpose of House Bill 1344 is to provide a balance so as to allow the placement of political signs on a member's lot within reasonable parameters for the benefit of all the association members. Specifically, House Bill 1344 allows political signs of a certain size and number to be placed on a member's lot for a period of 90 days prior to an election with removal of the signs 15 days after the election. The bill mirrors in many aspects the legislation passed during the 78th Legislature in 2003 (House Bill 1211) which related to city enforcement of political signs in that it prohibits the signs from being illuminated and having moving elements. Also, House Bill 1344 prohibits the sign from being placed in a manner so as to be a danger to traffic safety.

### **RULEMAKING AUTHORITY**

It is the opinion of the Committee on Business and Industry, that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

#### **SECTION BY SECTION**

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.009 to read as follows:

Sec. 202.009. REGULATION OF POLITICAL SIGNS.

(a) A property owners' association may not enforce or adopt a restrictive covenant, rule, or other prohibition that prohibits a property owner from displaying, on or after the 90th day before the date of an election to be held in a political subdivision in which the property is located and on or before the 30th day after that date, a sign supporting a political party or a candidate who has filed to run for office in that election.

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(b) Subsection (a) does not prohibit a property owners' association from prohibiting the display of:

- (1) a sign that:
  - (A) exceeds two feet in width or three feet in length;
  - (B) is illuminated;
  - (C) has any moving elements; or
  - (D) creates a public nuisance or an impediment to traffic safety; or
- (2) more than one sign supporting a single candidate, single ballot issue, or single party.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

#### **EFFECTIVE DATE**

Immediately, if it receives a vote of two-thirds of the members of each house; otherwise September 1, 2005.

#### **COMPARISON OF SUBSTITUTE TO ORIGINAL BILL**

The committee substitute changes the amount of time a sign may be in a yard from 90 days before an election and 30 days after an election to 90 days before an election and 15 days after an election. The substitute also clarifies the language by adding that there not be more than one sign supporting a single candidate, single ballot issue, or single party.