

By: Dukes

H.B. No. 873

Substitute the following for H.B. No. 873:

By: Elkins

C.S.H.B. No. 873

A BILL TO BE ENTITLED

AN ACT

relating to regulation by a property owners' association of certain displays on property in a residential subdivision.

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

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

Sec. 202.009. REGULATION OF DISPLAY OF POLITICAL SIGNS.

(a) Except as otherwise provided by this section, a property owners' association may not enforce or adopt a restrictive covenant that prohibits a property owner from displaying on the owner's property one or more signs advertising a political candidate or ballot item for an election:

(1) on or after the 90th day before the date of the election to which the sign relates; or

(2) before the 10th day after that election date.

(b) This section does not prohibit the enforcement or adoption of a covenant that:

(1) requires a sign to be ground-mounted; or

(2) limits a property owner to displaying only one sign for each candidate or ballot item.

(c) This section does not prohibit the enforcement or adoption of a covenant that prohibits a sign that:

(1) contains roofing material, siding, paving materials, flora, one or more balloons or lights, or any other

1 similar building, landscaping, or nonstandard decorative
2 component;

3 (2) is attached in any way to plant material, a traffic
4 control device, light, trailer, vehicle, or any other existing
5 structure or object;

6 (3) includes the painting of architectural surfaces;

7 (4) threatens the public health or safety;

8 (5) is larger than four feet by six feet;

9 (6) violates a law;

10 (7) contains language, graphics, or any display that
11 would be offensive to the ordinary person; or

12 (8) is accompanied by music or other sounds or by
13 streamers or is otherwise distracting to motorists.

14 (d) A property owners' association may remove a sign
15 displayed in violation of a restrictive covenant permitted by this
16 section.

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