

BILL ANALYSIS

Senate Research Center

H.B. 873
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State Affairs
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The United States Supreme Court has strongly affirmed the importance of signs on or around the home as a means of free expression and has ruled that homeowners' associations may not prohibit homeowners from exercising their free speech rights through the placement of political signs in their windows and on their lawns.

H.B. 873 states that a homeowners' association may not prohibit a homeowner from displaying an endorsement for a political candidate or ballot item in the form of a sign, poster, flag, or banner except for the protection of public health or safety or if the posting or display violates a local, state, or federal law. It ensures that citizens are able to participate fully in the political process of campaigns by being allowed to express their support for a candidate or an issue by placing a temporary sign on the owner's property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 202, Property Code, by adding Section 202.009, as follows:

Sec. 202.009. REGULATION OF DISPLAY OF POLITICAL SIGNS. (a) Prohibits a property owners' association from enforcing or adopting 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 within a specific time period, except as otherwise provided by this section.

(b) Provides that this section does not prohibit the enforcement or adoption of a certain covenant.

(c) Provides that this section does not prohibit the enforcement or adoption of a covenant that prohibits a certain type of sign.

(d) Authorizes a property owners' association to remove a sign displayed in violation of a restrictive covenant permitted by this section.

SECTION 2. Effective date: upon passage or September 1, 2005.