

By: Dukes

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 NONCOMMERCIAL DISPLAYS. (a)

Except as provided by this section, a property owners' association may not enforce or adopt a restrictive covenant, rule, or other prohibition that prohibits a property owner from displaying a sign, poster, flag, or banner that:

(1) contains only a noncommercial message;

(2) is made of paper, cardboard, cloth, plastic, or fabric;

(3) is posted in or displayed from the owner's yard or a window, door, balcony, or outside wall of the owner's property; and

(4) has an area of:

(A) nine square feet or less, if a sign or poster;

or

(B) 15 square feet or less, if a flag or banner.

(b) This section does not prohibit a property owners' association from prohibiting a sign, poster, flag, or banner that:

(1) is made of lights, roofing material, siding,

1 paving materials, flora, balloons, or any other similar building,
2 landscaping, or decorative component;

3 (2) includes the painting of architectural surfaces;

4 (3) threatens the public health or safety; or

5 (4) violates a law.

6 (c) In an action to enforce this section, a property owner
7 who prevails may collect reasonable attorney's fees and court
8 costs.

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