

1-1 By: Dukes (Senate Sponsor - Lucio) H.B. No. 873
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on State
1-4 Affairs; May 20, 2005, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to regulation by a property owners' association of certain
1-9 displays on property in a residential subdivision.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 202, Property Code, is amended by adding
1-12 Section 202.009 to read as follows:

1-13 Sec. 202.009. REGULATION OF DISPLAY OF POLITICAL SIGNS.

1-14 (a) Except as otherwise provided by this section, a property
1-15 owners' association may not enforce or adopt a restrictive covenant
1-16 that prohibits a property owner from displaying on the owner's
1-17 property one or more signs advertising a political candidate or
1-18 ballot item for an election:

1-19 (1) on or after the 90th day before the date of the
1-20 election to which the sign relates; or

1-21 (2) before the 10th day after that election date.

1-22 (b) This section does not prohibit the enforcement or
1-23 adoption of a covenant that:

1-24 (1) requires a sign to be ground-mounted; or

1-25 (2) limits a property owner to displaying only one
1-26 sign for each candidate or ballot item.

1-27 (c) This section does not prohibit the enforcement or
1-28 adoption of a covenant that prohibits a sign that:

1-29 (1) contains roofing material, siding, paving
1-30 materials, flora, one or more balloons or lights, or any other
1-31 similar building, landscaping, or nonstandard decorative
1-32 component;

1-33 (2) is attached in any way to plant material, a traffic
1-34 control device, a light, a trailer, a vehicle, or any other existing
1-35 structure or object;

1-36 (3) includes the painting of architectural surfaces;

1-37 (4) threatens the public health or safety;

1-38 (5) is larger than four feet by six feet;

1-39 (6) violates a law;

1-40 (7) contains language, graphics, or any display that
1-41 would be offensive to the ordinary person; or

1-42 (8) is accompanied by music or other sounds or by
1-43 streamers or is otherwise distracting to motorists.

1-44 (d) A property owners' association may remove a sign
1-45 displayed in violation of a restrictive covenant permitted by this
1-46 section.

1-47 SECTION 2. This Act takes effect immediately if it receives
1-48 a vote of two-thirds of all the members elected to each house, as
1-49 provided by Section 39, Article III, Texas Constitution. If this
1-50 Act does not receive the vote necessary for immediate effect, this
1-51 Act takes effect September 1, 2005.

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