

Political Signage Statute for Texas POAs

Many POAs have restrictions in their governing documents (i.e., declarations and rules) related to the display of signage. In enforcing these restrictions, directors and officers should be aware that State law (Tex.Prop.Code §202.009) limits the types of restrictions that POAs can adopt or enforce with regard to political signage. Association documents can restrict political signs *only* as authorized by this statute. If an association has a broad restriction on signage (e.g., “no owner may place any signage on his lot”) that cannot be enforced against political signage because of this statute, the restriction can be amended to make it as restrictive as possible, but this should be done only in consultation with a qualified attorney.

Texas Property Code, Section 202.009

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 similar building, landscaping, or nonstandard decorative component;

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

(3) includes the painting of architectural surfaces;

(4) threatens the public health or safety;

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

(6) violates a law;

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

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

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

Added by Acts 2005, 79th Leg., ch. 1010, Sec. 1, eff. June 18, 2005.