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H.B. 16
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Lorenz and Hall

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SUMMARY

- Prohibits homeowners, neighborhood, civic, and other associations from banning the display of political yard signs.
- Specifies that the protection applies only to political yard signs that do not violate an applicable state or federal law, a local ordinance or regulation, or a proclamation of the Governor.
- Preserves the authority to adopt reasonable restrictions concerning the time, location, and manner in which a yard sign is displayed, and the materials, size, and number of yard signs, subject to certain limitations.

DETAILED ANALYSIS

Political yard signs

Protections

The bill prohibits covenants, conditions, or restrictions set forth in a deed, or rules, regulations, bylaws, governing documents, or other agreements of a homeowners, neighborhood, civic, or other association that ban the display of political yard signs. The bill's political yard sign protections are similar to those that apply under current law to the placement or display of the U.S. flag and the POW/MIA flag. The bill's protections do not apply to political yard signs that violate an applicable state or federal law, a local ordinance or resolution, or a proclamation by the Governor.¹

¹ R.C. 5301.072(A)(5)(a) and (b).

Reasonable restrictions

The bill expressly preserves the authority of a homeowners, neighborhood, civic, or other association to adopt and enforce “reasonable restrictions” on the time, location, and manner in which a yard sign may be displayed, and the materials, size, and number of yard signs. However, the bill establishes two “safe harbor” provisions that apply to time and size restrictions. In the case of a time restriction, the display of political yard signs must not be prohibited in the 30 days prior to an election in the territory in which the property is located. In the case of a size restriction, the size of political yard signs must not be limited to less than 12” in height and 18” in width.²

Enforcement

The political yard sign protections might not be enforceable with respect to deed restrictions, rules, regulations, bylaws, and governing documents adopted before the bill’s effective date. Both the U.S. Constitution and the Ohio Constitution prohibit the General Assembly from enacting laws “impairing the obligation of contracts.”³ Deed restrictions and the governing documents of homeowners, neighborhood, and civic associations create contractual rights and obligations. The U.S. Supreme Court has held that the contract clause does not prohibit states from enacting laws to protect the vital interests of citizens which could, presumably, include free speech interests.⁴ However, the Court stipulates that a state’s regulation of contracts must be reasonably designed and appropriately tailored to achieve a legitimate public purpose.⁵ Only a court can determine whether the bill meets that standard.

HISTORY

Action	Date
Introduced	01-23-25

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² R.C. 5301.072(A)(5)(c).

³ Ohio Constitution, Article II, Section 28; U.S. Constitution, Article I, Section 10.

⁴ *Home Bldg. & Loan Asso. v. Blaisdell*, 290 U.S. 398, 434 (1934).

⁵ *United States Trust Co. v. New Jersey*, 431 U.S. 1, 20 (1977).