

Section 3.9 - Sample Provision Excerpt (Public Preview)

Signs. No sign of any kind shall be displayed to the public view on any Lot without the prior written approval of the ACC, except one sign of not more than six (6) square feet advertising the Lot for sale or rent, and except for signs which are part of Declarant's overall marketing plan for the Property. 3 . IO Tanks.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 3.9 (p. 8): Protected Political/Real-Estate Signage, Flag, or Religious Display Restriction: Clause bans all yard signs without a statutory political/election sign carve-out or restricts protected U.S./military flags or religious displays under TX and federal law.

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules)
Statutory Comparison: Under Tex. Prop. Code §§ 202.012, 202.018; Tex. Elec. Code § 259.002; 4 U.S.C. § 5, associations may not prohibit the display of the United States flag (4 U.S.C. § 5) or enforce blanket bans on residential yard signs that fail to carve out statutorily protected political election signs, religious door displays, or owner "For Sale/For Lease" signs where preempted by TX statute.

CURRENT WORDING IN DOCUMENT:
Signs. No sign of any kind shall be displayed to the public view on any Lot without the prior written approval of the ACC, except one sign of not more than six (6) square feet advertising the Lot for sale or rent, and except for signs which are part of Declarant's overall marketing plan for the Property. 3 . IO Tanks.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section 3.9 to carve out statutorily protected political signs during election periods, U.S./State/Military flags under 4 U.S.C. § 5, and religious displays in accordance with Tex. Prop. Code §§ 202.012, 202.018; Tex. Elec. Code § 259.002; 4 U.S.C. § 5.