Section 8 - Sample Provision Excerpt (Public Preview)

B. RELIGIOUS DISPLAY POLICY

C.

1.

ENTRY DISPLAY. The Association will not enforce or adopt a restrictive covenant that prohibits a property owner or resident from displaying or affixing on the entry to the owner's or resident's dwelling one or more religious items, the display of which is motivated by the owner's or resident's ...ous belief.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 8 (p. 2): Clause restricts religious displays using the repealed 25-square-inch front-door cap or prohibits religious items in violation of Tex. Prop. Code § 202.018 (SB 1588).

Statutory / Legal Reference: Tex. Prop. Code § 202.018 (SB 1588)

Statutory Comparison: Effective September 1, 2021, SB 1588 amended Tex. Prop. Code § 202.018 to expand protection for religious items displayed or affixed on the owner's or resident's property or dwelling (not solely the front entry door) and repealed the former 25-square-inch size limitation.

CURRENT WORDING IN DOCUMENT:

B. RELIGIOUS DISPLAY POLICY C. 1. ENTRY DISPLAY. The Association will not enforce or adopt a restrictive covenant that prohibits a property owner or resident from displaying or affixing on the entry to the owner's or resident's dwelling one or more religious items, the display of which is motivated by the owner's or resident's sincere religious belief.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop. Code § 202.018 as amended by SB 1588, an Owner or resident may display or affix one or more religious items on the Owner's property or dwelling motivated by sincere religious belief, subject only to the narrow statutory limitations in § 202.018(b) (removing any legacy 25-square-inch size restriction).