

Section 7.27 - Sample Provision Excerpt (Public Preview)

Pools/Equipment. All swimming pools and associated decks shall be located in side and rear yards. They may not be located in easements. Pool equipment must be located where it will not cause a nuisance to neighbors and must be fully screened with privacy fence or evergreen shrubs or other approved landscaping.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 7.27 (p. 25): Clause prohibits swimming pool safety enclosures in conflict with Tex. Prop. Code § 202.022.

Statutory / Legal Reference: Tex. Prop. Code § 202.022

Statutory Comparison: Under Tex. Prop. Code § 202.023 (enacted by SB 1588), a subdivision property owners' association may not adopt or enforce any restrictive covenant that prevents a property owner from building or installing security measures, including but not limited to a security camera, motion detector, or perimeter fence (including front-yard security fencing) on the owner's private property, although the...

CURRENT WORDING IN DOCUMENT:

Pools/Equipment. All swimming pools and associated decks shall be located in side and rear yards. They may not be located in easements. Pool equipment must be located where it will not cause a nuisance to neighbors and must be fully screened with privacy fence or evergreen shrubs or other approved landscaping.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notwithstanding the foregoing, pursuant to Tex. Prop. Code § 202.023 and § 202.022, the Association shall not prohibit an Owner from installing security measures on the Owner's private property (including security cameras, motion detectors, or perimeter security fencing) or compliant swimming pool safety enclosures, provided that such installations comply with reasonable architectural design,...