Section 7.7 - Sample Provision Excerpt (Public Preview)

Display of Religious Items. An Owner may display or affix on the entry of the Owner's Residence one (1) or more religi
items the display of which is motivated by the Owner's sincere religious belief; provided, however that the item, indiv dually
or in combination with each other religious item displayed or affixed, has a total size of less than...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · STATUTORY FINING & HEARING DEFECT

BOARD & COUNSEL REVIEW

Sec. 7.7 (p. 18): Fining or suspension provision omits modern statutory due-process safeguards (advance written notice specifying the violation and curing window, formal hearing procedure, and statutory fine caps) required under Tex. Prop. Code §§ 209.006, 209.0061, 82.102(d).

Statutory / Legal Reference: Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules); Tex. Prop. Code § 209.006, 209.0061

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items displayed or affixed on the owner's or resident's property or dwelling (not solely the front entry door) and repealed the former 25-square-inch size limitation.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:
Display of Religious Items. An Owner may display or affix on the entry of the Owner's Residence one (1) or more religious items the display of which is motivated by the Owner's sincere religious belief; provided, however that the item, individually or in combination with each other religious item displayed or affixed, has a total size of less than...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Display of Religious Items. An Owner may display or affix on the entry of the Owner's Residence one (1) or more religious items the display of which is motivated by the Owner's sincere religious belief; provided, however that the item, individually or in combination with each other religious item displayed or affixed, has a total size of less than twenty-five (25) square inches.