Section 7.7 - Sample Provision Excerpt (Public Preview)

Flag Display. An Owner may display the following: (a) the flag of the United States of America; (b) the flag of the State of Texas; and (c) an official or replica flag of any branch of the United States Armed Forces (collectively, the "Permitted Flags").

ISSUE #1

MARKUP #1 ->

MARKUP #1 · STATUTORY FINING & HEARING DEFECT

BOARD & COUNSEL REVIEW

Sec. 7.7 (p. 19): 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: Under Tex. Prop. Code § 202.012, a property owners' association may not enforce or adopt a provision that prohibits the outdoor display of the flag of the United States of America, the flag of the State of Texas, or an official or replica flag of any branch of the U.S.

CURRENT WORDING IN DOCUMENT:
Flag Display. An Owner may display the following: (a) the flag of the United States of America; (b) the flag of the State of Texas; and (c) an official or replica flag of any branch of the United States Armed Forces (collectively, the "Permitted Flags").

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Flag Display. An Owner may display the following: (a) the flag of the United States of America; (b) the flag of the State of Texas; and (c) an official or replica flag of any branch of the United States Armed Forces (collectively, the "Permitted Flags").