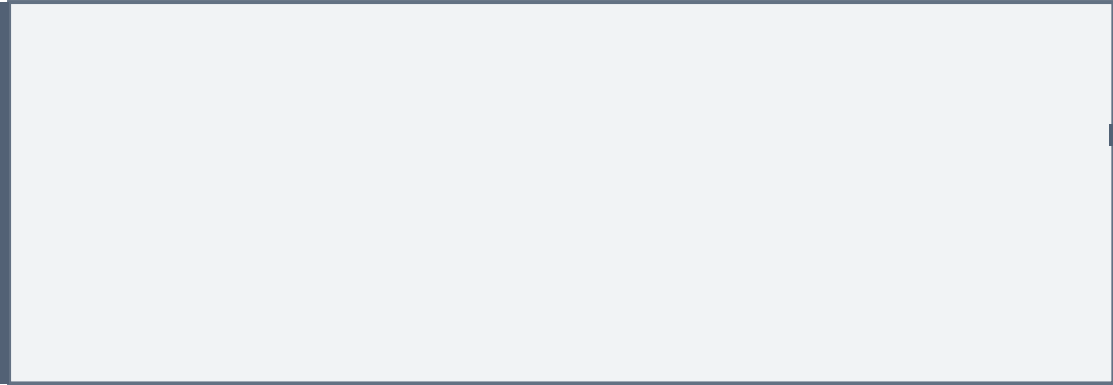


Section 3.6 - Sample Provision Excerpt (Public Preview)

A displayed flag, and the flagpole on which it is flown, shall be maintained in g condition at all times. Any flag that is deteriorated must be replaced or removed. A flagpole that is structurally unsafe or deteriorated shall be repaired, replaced, or remov 3. 7. Only one flagpole will be allowed per Lot.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3.6 (p. 16): Flag or flagpole restriction conflicts with statutory protections for U.S., Texas, and Armed Forces flags and 20-foot flagpoles under Tex. Prop. Code § 202.012.

Statutory / Legal Reference: Tex. Prop. Code § 202.012

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. Armed Forces, nor may it prohibit an owner from installing at least one freestanding flagpole up to 20 feet in height in the front yard (subject to building setback lines and easements).

CURRENT WORDING IN DOCUMENT:

A displayed flag, and the flagpole on which it is flown, shall be maintained in g condition at all times. Any flag that is deteriorated must be replaced or removed. A flagpole that is structurally unsafe or deteriorated shall be repaired, replaced, or remov 3. 7. Only one flagpole will be allowed per Lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

A displayed flag, and the flagpole on which it is flown, shall be maintained in g condition at all times. Any flag that is deteriorated must be replaced or removed. A flagpole that is structurally unsafe or deteriorated shall be repaired, replaced, or remov 3. 7. Only one flagpole will be allowed per Lot. [SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL REVIEW]: Pursuant to Tex. Prop. Code § 202.012, Owners are permitted to display the flag of the United States (in accordance with 4 U.S.C. §§ 5-10), the flag of the State of Texas (in accordance with Tex. Gov't Code Ch.