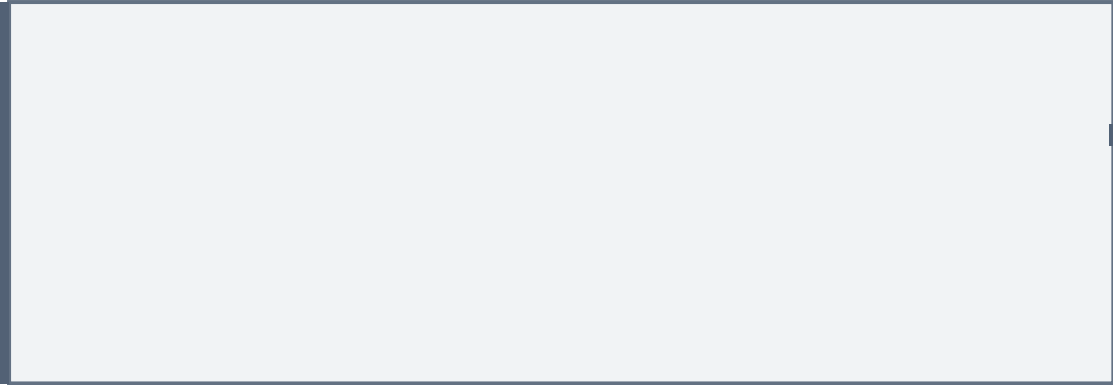


Section 8.5 - Sample Provision Excerpt (Public Preview)

a. The only flags which may be displayed are: 1. The flag of the United States of America. 2. 3. 4. 5. 6. The flag of the State of Texas. An official or replica flag of any branch of the United States armed forces.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING BOARD & COUNSEL REVIEW

Sec. 8.5 (p. 23): Board meeting clause provides less than the mandatory 144-hour (regular) / 72-hour (special) owner notice or permits secret/unnoticed board votes on fines, assessments, or budget adoption in violation of Tex. Prop. Code § 209.0051(e)-(h).

Statutory / Legal Reference: Tex. Prop. Code § 209.0051(e)-(h) (SB 1588)
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. The only flags which may be displayed are: 1. The flag of the United States of America. 2. 3. 4. 5. 6. The flag of the State of Texas. An official or replica flag of any branch of the United States armed forces.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
a. The only flags which may be displayed are: 1. The flag of the United States of America. 2. 3. 4. 5. 6. The flag of the State of Texas. An official or replica flag of any branch of the United States armed forces. [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. 3100), and an official or replica flag of any branch of the U.S.