

Section 202.019.202.022 - Sample Provision Excerpt (Public Preview)

Policies/Guidelines regarding Flags and Flag Poles: 3. 10. 11. 12. Prior to installation of a flagpole, the advance written approval of the Association's Architectural Control Committee is required as set forth in the Restrictions.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 202.019.202.022 (p. 5): 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:

Policies/Guidelines regarding Flags and Flag Poles: 3. 10. 11. 12. Prior to installation of a flagpole, the advance written approval of the Association's Architectural Control Committee is required as set forth in the Restrictions.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
and 202.023, Title 11, Texas Property Code, and Section 259.002, Texas Election Code
NORTHSPRING COMMUNITY IMPROVEMENT ASSOCIATION (the "Association") isa
l'exas Non-Profit Corporation and a property owners' association. The undersigned,
being the Association's RP-2021-502589 to the following: 1. 2. 3. The name of the
Subdivision(s) is/are NORTH SPRING, Sections One (1), Four (4), Five (5), Six (6),
Seven (7), Eight (8) and Ten (10), inclusive. The name of the Corporation is
NORTHSPRING COMMUNITY IMPROVEMENT ASSOCIATION, sometimes referred to
herein as the "Association." The recording data (i.e., Map or Plat...