

Display of Religious Items Policy

(a transcription of the Policy dated 9/20/2021 that was included in a dedicatory instrument filed with the County Clerk 11/4/2021 as Instrument D221324363)

MARKUP #1 ->

Owners and residents are generally permitted to display or affix one or more religious items on the owner’s or resident’s property or dwelling, the display of which is motivated by the owner’s or resident’s sincere religious belief.

Committee Application Required. Before a religious display contemplated by the Code is displayed or affixed on an owner’s or resident’s property, an Architectural Control Committee (the “**Committee**”) application must be submitted to the Association and approved in writing in accordance with the Declaration. The following information must be included with the application:

- a. Type and description of religious display;
- b. Site plan indicating the location of the proposed religious display with respect to any applicable building line, right-of-way, setback or easement on the owner’s or resident’s property.

Notwithstanding the foregoing, the following displays shall not require Committee approval. All other religious displays shall require Committee approval as set forth above.

- a. One or more religious items displayed or affixed on the entry of an owner’s or resident’s dwelling, not exceeding twenty-five (25) square inches, shall not require Committee approval.
- b. Seasonal religious holiday decorations which are temporary and commonly associated with a seasonal holiday may be displayed no more than 60 days before and 30 days after the seasonal holiday in question. The Board has the sole discretion to determine what constitutes a seasonal holiday decoration. Should an owner or resident desire to permanently display a religious display, an Committee application is required as set forth above.

ISSUE #1

The display or affixing of a religious item on the owner’s or resident’s property or dwelling is prohibited under the following circumstances:

- 1. The item threatens the public health or safety;
- 2. The item violates a law other than a law prohibiting the display of religious speech;
- 3. The item contains language, graphics or any display that is patently offensive to a passerby for reasons other than its religious content;
- 4. The item is installed on property:
 - a. owned or maintained by the Association; or
 - b. owned in common by members of the Association.
- 5. The item violates any building line, right-of-way, setback or easement that applies to the religious item pursuant to a law or the Association’s dedicatory instruments; or
- 6. The item is attached to a traffic control device, street lamp, fire hydrant or utility sign, pole or fixture.

Any installation not in compliance with this Policy will be considered a violation of the dedicatory instruments governing the community.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE BOARD & COUNSEL REVIEW

Sec. di (p. 6): Clause restricts religious displays using the repealed 25-square-inch front-door cap or prohibits religious items in violation of Tex. Prop. Code § 202.018 (SB 1588).

Statutory / Legal Reference: Tex. Prop. Code § 202.018 (SB 1588)
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. Covenants restricting religious displays are unenforceable unless the display threatens public health or safety, violates a law other than a prohibition against religious speech, contains patently offensive language/graphics, or is installed on common property.

CURRENT WORDING IN DOCUMENT:
b. Seasonal religious holiday decorations which are temporary and commonly associated with a seasonal holiday may be displayed no more than 60 days before and 30 days after the seasonal holiday in question.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Pursuant to Tex. Prop. Code § 202.018 as amended by SB 1588, an Owner or resident may display or affix one or more religious items on the Owner's property or dwelling motivated by sincere religious belief, subject only to the narrow statutory limitations in § 202.018(b) (removing any legacy 25-square-inch size restriction).