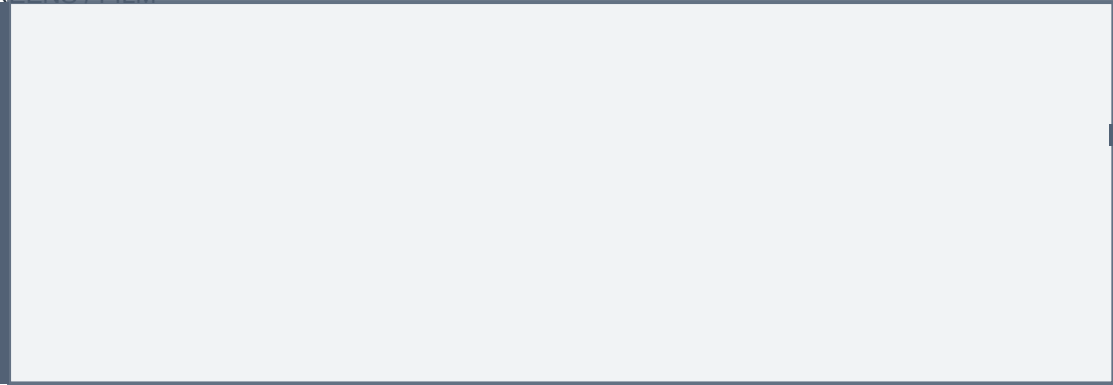


Section 10 - Sample Provision Excerpt (Public Preview)

Screened pool enclosures are prohibited.
11. All pools must be concealed from view from the front street and side street, if applicable, either by wood fence or dense shrubbery along wrought iron type fence.
N.

SOLAR SCREENS / FILM

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 10 (p. 63): Clause prohibits swimming pool safety enclosures in conflict with Tex. Prop. Code § 202.022.

Statutory / Legal Reference: Tex. Prop. Code § 202.022

Statutory Comparison: Under Tex. Prop. Code § 202.023 (enacted by SB 1588), a subdivision property owners' association may not adopt or enforce any restrictive covenant that prevents a property owner from building or installing security measures, including but not limited to a security camera, motion detector, or perimeter fence (including front-yard security fencing) on the owner's private property, although the...

CURRENT WORDING IN DOCUMENT:

Screened pool enclosures are prohibited. 11. All pools must be concealed from view from the front street and side street, if applicable, either by wood fence or dense shrubbery along wrought iron type fence. N. SOLAR SCREENS / FILM 1.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notwithstanding the foregoing, pursuant to Tex. Prop. Code § 202.023 and § 202.022, the Association shall not prohibit an Owner from installing security measures on the Owner's private property (including security cameras, motion detectors, or perimeter security fencing) or compliant swimming pool safety enclosures, provided that such installations comply with reasonable architectural design,...