

Section 7.26 - Sample Provision Excerpt (Public Preview)

of the Declaration is hereby deleted and the following inserted in its place; "7.26 Flags, Flagpoles, Lawn Decorations and Sculptures. The Owner must have the approval of the ACA to place any decorations, sculptures, fountains, flags, flagpoles and similar items on any portion of such Owner's Lot except the interior of the Dwelling, unless (i) such item is placed within a backyard completely enclosed by a fence which blocks the view of the item at ground level; and (ii) such item is no taller than the fence.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 7.26 (p. 1): 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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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