

Section WAXAHACHIE SADDLEBROOK ESTATES - Sample Provision Excerpt (Public Preview)

FLAGPOLES AND THE DISPLAY OF FLAGS (As provided in Chapter 202.012 of the Texas Property Code) The only flags which may be displayed are: (i) the flag of the United States of America;
(ii) the flag of the State of Texas; and (iii) 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. WAXAHACHIE SADDLEBROOK ESTATES (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:

FLAGPOLES AND THE DISPLAY OF FLAGS (As provided in Chapter 202.012 of the Texas Property Code) The only flags which may be displayed are: (i) the flag of the United States of America;
(ii) the flag of the State of Texas; and (iii) an official or replica flag of any branch of the United States armed forces.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

**FLAGPOLES AND THE DISPLAY OF FLAGS (As provided in Chapter 202.012 of the Texas Property Code) The only flags which may be displayed are: (i) the flag of the United States of America;
(ii) the flag of the State of Texas; and (iii) 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.**