

Section 202.009 - Sample Provision Excerpt (Public Preview)

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e)

Personal signs indicating school affiliations, birth announcements and similar-type signs may be erected on a Lot for a reasonable period of time.

The Board or its agents shall, without notice, have the right, but not

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 202.009 (p. 18): Protected Political/Real-Estate Signage, Flag, or Religious Display Restriction: Clause bans all yard signs without a statutory political/election sign carve-out or restricts protected U.S./military flags or religious displays under TX and federal law.

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules)

Statutory Comparison: Under Tex. Prop. Code §§ 202.012, 202.018; Tex. Elec. Code § 259.002; 4 U.S.C. § 5, associations may not prohibit the display of the United States flag (4 U.S.C. § 5) or enforce blanket bans on residential yard signs that fail to carve out statutorily protected political election signs, religious door displays, or owner "For Sale/For Lease" signs where preempted by TX statute.

CURRENT WORDING IN DOCUMENT:

of the Texas Property Code are incorporated herein by reference. Placement of political signs on the Common Areas is strictly prohibited. e) Personal signs indicating school affiliations, birth announcements and similar-type signs may be erected on a Lot for a reasonable period of time. The Board or its agents shall, without notice, have the right, but not...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 202.009 to carve out statutorily protected political signs during election periods, U.S./State/Military flags under 4 U.S.C. § 5, and religious displays in accordance with Tex. Prop. Code §§ 202.012, 202.018; Tex. Elec. Code § 259.002; 4 U.S.C. § 5.