

Section GUIDELINES FOR DISPLAY OF CERTAIN RELIGIOUS ITEMS - Sample Provision Excerpt (Public Preview)

2011, to add Section 202.018 thereto dealing with the regulation of display of certain religious items; and WHEREAS, the Board of Directors of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. GUIDELINES FOR DISPLAY OF CERTAIN RELIGIOUS ITEMS (p. 20):
Clause restricts religious displays using the repealed 25-square-inch front-door cap or prohibits religious items in violation of Tex.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items displayed or affixed on the owner's or resident's property or dwelling (not solely the front entry door) and repealed the former 25-square-inch size limitation.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:

2011, to add Section 202.018 thereto dealing with the regulation of display of certain religious items; and WHEREAS, the Board of Directors of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

2011, to add Section 202.018 thereto dealing with the regulation of display of certain religious items; and WHEREAS, the Board of Directors of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear [SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL 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 §...