MARKUP #1 ->

Section 1: [Section 1 Declaration, Paragraph 14] Roofing Materials limited to Wood Shingle or Approved Composition

All roofs on primary dwellings and garages shall be constructed of wood shingles or approved standard fiberglass composition shingles in weathered wood tones. Metal roofs, standing-seam roofs, clay tile, and solar roof shingles are strictly prohibited on all Lots.

ISSUE #1

Section 2: [Shady Hollow West Legal Docs, Article III, Section 3.09] Religious Displays and Doorway Ornaments

No religious symbols, crosses, mezuzahs, statues, or seasonal doorway displays may be affixed to the front entry door, doorframe, or front porch if visible from the street, except during the period from December 1 through January 5, or unless approved in writing by the Architectural Control Committee and measuring less than twenty-five (25) square inches.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 2 (p. 1): Clause restricts religious displays using the repealed 25-square-inch front-door cap or prohibits religious items in violation of Tex.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items displayed or affixed on the owner's or resident's property or dwelling (not solely the front entry door) and repealed the former 25-square-inch size limitation.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:

[Shady Hollow West Legal Docs, Article III, Section 3.09] Religious Displays and Doorway Ornaments No religious symbols, crosses, mezuzahs, statues, or seasonal doorway displays may be affixed to the front entry door, doorframe, or front porch if visible from the street, except during the period from December 1 through January 5, or unless approved in writing by the Architectural Control Committee and measuring less than twenty-five (25) square inches.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY 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 § 202.018(b) (removing any legacy 25-square-inch size restriction).