

Section 4.7 - Sample Provision Excerpt (Public Preview)

the lots. No flags or flag poles may be hung or erected without prior approval of the architectural control committee. No negative messaging is permitted to be displayed from any property or roadway within the development.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4.7 (p. 6): Provision authorizes holding regular Board of Directors meetings "without notice" or taking Board action by written consent outside a noticed open meeting, conflicting with Tex. Prop. Code §§ 209.005, 82.1141 & 1 TAC § 70.3 (Open Records Cost Schedule).

Statutory / Legal Reference: Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules); Tex. Prop. Code § 209.005 & 1 TAC § 70.3 (Open Records Cost Schedule)
Statutory Comparison: The federal Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L. 109-243) prohibits community associations from adopting or enforcing any policy that prevents a member from displaying the flag of the United States on residential property to which the member has a separate ownership interest or right to exclusive possession or use.

CURRENT WORDING IN DOCUMENT:
the lots. No flags or flag poles may be hung or erected without prior approval of the architectural control committee. No negative messaging is permitted to be displayed from any property or roadway within the development.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
the lots. No flags or flag poles may be hung or erected without prior approval of the architectural control committee. No negative messaging is permitted to be displayed from any property or roadway within the development. [STATUTORY FLAG EXEMPTION]: In accordance with the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L. 109-243), any homeowner may respectfully display the official United States flag on residential property under their ownership or exclusive use.