

Section 5 - Sample Provision Excerpt (Public Preview)

to place a cross, mezuzah, or other similar religious symbol smaller than 25 square inches on the home's front door or frame. If the dedicatory instruments do not designate an architectural reviewing body (such as an architectural control committee), the approval must be received from the board. The board may in its discretion allow seasonal holiday decorations (such as door decorations).

ISSUE #1



MARKUP #1 ->



MARKUP #1 · GOVERNANCE & VOTING CONTROL RISK

BOARD & COUNSEL REVIEW

Sec. 5 (p. 3): Declaration amendment provision requires 75% owner approval, exceeding the standard 67% statutory baseline in Tex. Prop. Code § 82.067.

Statutory / Legal Reference: Tex. Prop. Code § 82.067

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items displayed or affixed on the owner's or resident's property or dwelling (not solely the front entry door) and repealed the former 25-square-inch size limitation.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:

to place a cross, mezuzah, or other similar religious symbol smaller than 25 square inches on the home's front door or door frame. If the dedicatory instruments do not designate an architectural reviewing body (such as an architectural control committee), the approval must be received from the board. The board may in its discretion allow seasonal holiday decorations (such as door decorations).

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Prohibited Items. No religious item(s) displayed may: a. threaten the public health or safety; b. violate a law; c. contain language, graphics, or any display that is patently offensive to a passerby; d. be installed on property owned or maintained by the association (including common elements); e. be installed on property owned in common by two or more members of the association; f. be located in violation of any applicable building line, right of way, setback, or easement; or g.