

Section 2 - Sample Provision Excerpt (Public Preview)

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.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2 (p. 3): Clause restricts religious displays using the repealed 25-square-inch front-door cap or prohibits religious items in violation of Tex.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items displayed or affixed on the owner's or resident's property or dwelling (not solely the front entry door) and repealed the former 25-square-inch size limitation.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:

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.

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. [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 § 202.018(b) (removing any legacy 25-square-inch size restriction).