

Section General - Sample Provision Excerpt (Public Preview)

The Association, in accordance with State law, will permit owners to display religious items exclusively on the entry to owners' dwelling, specifically the entry door or door frame, however: An owner may not exploit this law to use a material or color for an entry door that is prohibited by the Association's governing documents.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

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 General (p. 1): Clause restricts religious displays using the repealed 25-square-inch front-door cap or prohibits religious items in violation of Tex.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items displayed or affixed on the owner's or resident's property or dwelling (not solely the front entry door) and repealed the former 25-square-inch size limitation.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

The Association, in accordance with State law, will permit owners to display religious items exclusively on the entry to the owners' dwelling, specifically the entry door or door frame, however: An owner may not exploit this law to use a material or color for an entry door that is prohibited by the Association's governing documents.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

The Association, in accordance with State law, will permit owners to display religious items exclusively on the entry to the owners' dwelling, specifically the entry door or door frame, however: An owner may not exploit this law to use a material or color for an entry door that is prohibited by the Association's governing documents. [SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL REVIEW]: Pursuant to Tex. Prop.