

Section 6.1 - Sample Provision Excerpt (Public Preview)

of the main structure (not including decorative walls or fences which are part of the architectural design of the main structure, and which are not to be built or maintained nearer than the building setback line of any Lot), unless otherwise approved in writing by the Committee.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 6.1 (p. 13): Clause prohibits front-yard/perimeter security fencing, security cameras, or motion detectors in conflict with Tex. Prop. Code § 202.023 (SB 1588).

Statutory / Legal Reference: Tex. Prop. Code § 202.023 (SB 1588)

Statutory Comparison: Under Tex. Prop. Code § 202.023 (enacted by SB 1588), a subdivision property owners' association may not adopt or enforce any restrictive covenant that prevents a property owner from building or installing security measures, including but not limited to a security camera, motion detector, or perimeter fence (including front-yard security fencing) on the owner's private property, although the association may regulate the type of fencing material and appearance. Similarly, Tex. Prop. Code § 202.022 prohibits banning transparent mesh or black/clear pool safety enclosures.

CURRENT WORDING IN DOCUMENT:

of the main structure (not including decorative walls or fences which are part of the architectural design of the main structure, and which are not to be built or maintained nearer than the building setback line of any Lot), unless otherwise approved in writing by the Committee.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notwithstanding the foregoing, pursuant to Tex. Prop.