Section SIGNAGE - Sample Provision Excerpt (Public Preview)

Any and all non-commercial signs, posters, flags or banners posted on or in an Owner's Unit or the exclusive use com area of an Owner's Unit shall comply with all Federal, State and Local laws and ordinances, including but not limited to California Civil Code section 4710 and may be prohibited if they are otherwise deemed to endanger the public health or...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. SIGNAGE (p. 12): Flag or flagpole restriction fails to include statutory exemption for the United States flag under the Freedom to Display the American Flag Act.

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & Cal. Civ. Code §§ 4000 - 6150 (Davis-Stirling Act)

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:

Any and all non-commercial signs, posters, flags or banners posted on or in an Owner's Unit or the exclusive use common area of an Owner's Unit shall comply with all Federal, State and Local laws and ordinances, including but not limited to California Civil Code section 4710 and may be prohibited if they are otherwise deemed to endanger the public health or...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Any and all non-commercial signs, posters, flags or banners posted on or in an Owner's Unit or the exclusive use common area of an Owner's Unit shall comply with all Federal, State and Local laws and ordinances, including but not limited to California Civil Code section 4710 and may be prohibited if they are otherwise deemed to endanger the public health or safety.