

Section 9.23 - Sample Provision Excerpt (Public Preview)

Signs. Except as expressly permitted by law, including Sections 712, 713, 4705 and 4710 of the Civil Code, no signs, banners, flags, decorations, notices, paintings or advertisements of any kind shall be displayed from any Unit or Exclusive Use Common Area.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 9.23 (p. 35): 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 Common Interest Development 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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

In accordance with the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L.