MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section 7 - Sample Provision Excerpt (Public Preview)

flags, or banners on or in an Owner's property. The sign, flag or banner may be made of paper, cardboard, cloth, plastic or fabric, and may be posted or displayed from the yard, window, door, balcony or outside wall of an Owner's property, but may not be made of lights, roofing, siding, paving materials, flora, balloons, or any other similar building,...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7 (p. 11): 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:

flags, or banners on or in an Owner's property. The sign, flag or banner may be made of paper, cardboard, cloth, plastic or fabric, and may be posted or displayed from the yard, window, door, balcony or outside wall of an Owner's property, but may not be made of lights, roofing, siding, paving materials, flora, balloons, or any other similar building,...

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. 109-243), any homeowner may respectfully display the official United States flag on residential property under their ownership or exclusive use.