

Section 5.12.1 - Sample Provision Excerpt (Public Preview)

Signs. No signs or advertisement of any type shall be placed upon the General Common Area without the prior written consent of the Board. No conunercial signs except "For Sale" or "For Lease" signs not over five (5) square feet; no noncommercial signs and posters greater than nine (9) square feet and no noncommercial flags or banners that are more than...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5.12.1 (p. 29): Blanket pet prohibition violates California Civil Code § 4715, which guarantees every owner the right to keep at least one pet.

Statutory / Legal Reference: Cal. Civ. Code § 4715

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:

Signs. No signs or advertisement of any type shall be placed upon the General Common Area without the prior written consent of the Board. No conunercial signs except "For Sale" or "For Lease" signs not over five (5) square feet; no noncommercial signs and posters greater than nine (9) square feet and no noncommercial flags or banners that are more than...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Signs. No signs or advertisement of any type shall be placed upon the General Common Area without the prior written consent of the Board. No conunercial signs except "For Sale" or "For Lease" signs not over five (5) square feet; no noncommercial signs and posters greater than nine (9) square feet and no noncommercial flags or banners that are more than fifteen (15) square feet are permitted...