ISSUE #1

Section 4.13 - Sample Provision Excerpt (Public Preview)

Signs. No sign of any kind more than one (1) square foot in area shall be displayed to the public view on any Lot provided, however, this restriction shall not apply to signs used to advertise the property for sale.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4.13 (p. 1): Sign or flag restriction conflicts with California Civil Code §§ 4705 and 4710 protections for the U.S. flag and noncommercial signs/banners.

Statutory / Legal Reference: Cal. Civ. Code § 4705 & 4710

Statutory Comparison: Under Cal. Civ. Code § 4705, the governing documents may not limit or prohibit the display of the flag of the United States by an owner in their separate interest or exclusive-use common area. Under Cal. Civ. Code § 4710, the governing documents may not prohibit posting or displaying noncommercial signs, posters, flags, or banners on or in a member's separate interest, except that an association may prohibit noncommercial signs/posters exceeding 9 square feet in size and noncommercial flags/banners exceeding 15 square feet in size.

CURRENT WORDING IN DOCUMENT:

Signs. No sign of any kind more than one (1) square foot in area shall be displayed to the public view on any Lot provided, however, this restriction shall not apply to signs used to advertise the property for sale.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to California Civil Code §§ 4705 and 4710, members may display the flag of the United States and may post or display noncommercial signs, posters, flags, or banners on or within their separate interest, provided that noncommercial signs or posters do not exceed nine (9) square feet in size and noncommercial flags or banners do not exceed fifteen (15) square feet in size, and are not made of lights, roofing, paving, balloons, or flora.