

Section (f) - Sample Provision Excerpt (Public Preview)

hereof.

(e)

Sethicks: The front, side, and rear aetbacks shall be as set forth In exhibit B attached hereto. For the purposeS'of this covenant, eaves, steps and open porches shall not be considered as a part of a building, provided, however, that this shaD not be construed to permit any encroachment upon another lot,

ISSUE #1

forth In Paragraph (0)...

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. (f) (p. 4): 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...

CURRENT WORDING IN DOCUMENT:

hereof.

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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...