

Section 7.2.8 - Sample Provision Excerpt (Public Preview)

Board, from time to time), no sign, banner, flag, billboard, or other advertising, shall be erected, placed or maintained within the Project, without specific written approval by the Board, which shall in all cases be consistent with the Sign Criteria adopted by the Board, from time to time.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 7.2.8 (p. 20): 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: 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:

Board, from time to time), no sign, banner, flag, billboard, or other advertising, shall be erected, placed or maintained within the Project, without specific written approval by the Board, which shall in all cases be consistent with the Sign Criteria adopted by the Board, from time to time.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Board, from time to time), no sign, banner, flag, billboard, or other advertising, shall be erected, placed or maintained within the Project, without specific written approval by the Board, which shall in all cases be consistent with the Sign Criteria adopted by the Board, from time to time. Any sign, including Project monument signs, directory signs and so forth must be approved by the Master...