

Section 17.2 - Sample Provision Excerpt (Public Preview)

signs or additional flags will be removed and disposed of. The standard Crosby Open House sign will match the listing signage but be smaller in size. Realtors will be responsible for ordering these from Champion Signs (858) 751-2900 where they have specifications on file.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 17.2 (p. 10): 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:

signs or additional flags will be removed and disposed of. The standard Crosby Open House sign will match the listing signage but be smaller in size. Realtors will be responsible for ordering these from Champion Signs (858) 751-2900 where they have specifications on file.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

signs or additional flags will be removed and disposed of. The standard Crosby Open House sign will match the listing signage but be smaller in size. Realtors will be responsible for ordering these from Champion Signs (858) 751-2900 where they have specifications on file. [STATUTORY FLAG EXEMPTION]: In accordance with the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub.