Section 2.4 - Sample Provision Excerpt (Public Preview)

SIGNS. Subject to Civil Code Sections 712 and 713, no sign, advertising device or other display of any kind shall be displayed in the Community or on any public street in or abutting the Community except for the following signs:

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. 2.4 (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: 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:
SIGNS. Subject to Civil Code Sections 712 and 713, no sign, advertising device or other display of any kind shall be displayed in the Community or on any public street in or abutting the Community except for the following signs:

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...