

ISSUE #1

MARKUP #1 ->

Section 1: [Savannah Oaks CC&Rs Article IV, Section 4.12 (Signs and Flags)] Prohibition of Exterior Signs and Flagpoles

No signs, banners, posters, billboards, or advertising devices of any kind (including political signs, contractor signs, or yard signs) shall be erected, placed, or maintained on any Lot, except one (1) standard 'For Sale' sign not exceeding five (5) square feet. No freestanding flagpole shall be erected on any Lot without the prior written approval of the Environmental Control Committee.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Protected Political/Real-Estate Signage, Flag, or Religious Display Restriction: Clause bans all yard signs without a statutory political/election sign carve-out or restricts protected U.S./military flags or religious displays under IL and federal law.

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & 765 ILCS 160/ (Common Interest Community Association Act)
Statutory Comparison: Under 765 ILCS 160/ (Common Interest Community Association Act); 4 U.S.C. § 5, associations may not prohibit the display of the United States flag (4 U.S.C. § 5) or enforce blanket bans on residential yard signs that fail to carve out statutorily protected political election signs, religious door displays, or owner "For Sale/For Lease" signs where preempted by IL statute.

CURRENT WORDING IN DOCUMENT:
[Savannah Oaks CC&Rs Article IV, Section 4.12 (Signs and Flags)] Prohibition of Exterior Signs and Flagpole No signs, banners, posters, billboards, or advertising devices of any kind (including political signs, contractor signs, or yard signs) shall be erected, placed, or maintained on any Lot, except one (1) standard 'For Sale' sign not exceeding five (5) square feet. No freestanding flagpole shall be erected on any Lot without the prior written approval of the Environmental Control Committee.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section 1 to carve out statutorily protected political signs during election periods, U.S./State/Military flags under 4 U.S.C. § 5, and religious displays in accordance with 765 ILCS 160/ (Common Interest Community Association Act); 4 U.S.C. § 5.