

Beaumont Residential Association - Declaration of Covenants, Conditions & Restrictions - Page 1

ISSUE #1

MARKUP #1 ->

Section 1: [Deed of Restrictions (Units 2-C, 7-B, 11-A), Section on Signs] Blanket Prohibition on All Yard Signs Except

No sign of any kind shall be displayed to the public view on any Lot except one professional sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Clause prohibits the display of political yard signs or United States/military flags in violation of KRS § 381.800 and 4 U.S.C. § 5.

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & KRS §§ 381.785 - 381.801 (Kentucky Planned Communities Act - HB 50 / SB 11)

Statutory Comparison: Under KRS § 381.800 (enacted by HB 324, effective June 29, 2023), a planned community shall not include or enforce a provision in any governing document that prohibits the outdoor display of political yard signs by a lot owner or resident on the owner's property starting thirty (30) days before any primary, regular, or special election until seven (7) days after that election (though the association may adopt reasonable rules regarding size and maximum number of signs). Additionally, 4 U.S.C. § 5 protects the right of every residential owner to display the flag of the United States.

CURRENT WORDING IN DOCUMENT:

[Deed of Restrictions (Units 2-C, 7-B, 11-A), Section on Signs] Blanket Prohibition on All Yard Signs Except O No sign of any kind shall be displayed to the public view on any Lot except one professional sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to KRS § 381.800 and 4 U.S.C. § 5, nothing in the Governing Documents shall prohibit an Owner or resident from displaying the flag of the United States or from displaying political yard signs on the Owner's property during the period beginning thirty (30) days before any primary, regular, or special election and ending seven (7) days after that election.