ISSUE #1

Section 8.17. - Sample Provision Excerpt (Public Preview)

State flag no larger than 3' by 5' each may be displayed on each Lot on legal holidays without approval of the Committee. No freestanding flagpoles shall be allowed on any Lot.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 8.17. (p. 1): 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & NRS Ch. 116 (Nevada Uniform Common-Interest Ownership Act) & NAC Ch. 116 / NAC Ch. 116A (CICCH Administrative Regulations)

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & NRS Ch. 116 (Nevada Uniform Common-Interest Ownership Act) & NAC Ch. 116 / NAC Ch. 116A (CICCH Administrative Regulations)

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:

State flag no larger than 3' by 5' each may be displayed on each Lot on legal holidays without approval of the Committee. No freestanding flagpoles shall be allowed on any Lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

In accordance with the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L. 109-243), any homeowner may respectfully display the official United States flag on residential property under their ownership or exclusive use.