Section 6 - Sample Provision Excerpt (Public Preview)

PATIO/BALCONY: Patio/Balcony furniture and flowerpots are permitted. No drying clothes racks, mops, brooms, shov flags, towels or cloths are to be hung over patio / balcony railings or chairs. Coolers are not permitted to be stored on balconies.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6 (p. 19): 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) & N.Y. Bus. Corp. Law (BCL) § 727, N-PCL § 621 & 13 NYCRR Part 18 (Cooperative Offering Plans); N.Y. Real Prop. Law Art. 9-B §§ 339-d to 339-II...

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:
PATIO/BALCONY: Patio/Balcony furniture and flowerpots are permitted. No drying clothes racks, mops, brooms, shovels, flags, towels or cloths are to be hung over patio / balcony railings or chairs. Coolers are not permitted to be stored on balconies.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
PATIO/BALCONY: Patio/Balcony furniture and flowerpots are permitted. No drying clothes racks, mops, brooms, shovels, flags, towels or cloths are to be hung over patio / balcony railings or chairs. Coolers are not permitted to be stored on balconies. [STATUTORY FLAG EXEMPTION]: In accordance with the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L.