Section 7.02 - Sample Provision Excerpt (Public Preview)

American flags should be hung on a bracket attached to the house using "flag etiquette." If not hung properly, they mu
removed. See https://www.usa.gov/flag for information on how to properly hang and treat an American flag.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7.02 (p. 2): 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. Not-for-Profit Corp. Law (N-PCL), Real Prop. Law Art. 9-B & 13 NYCRR Parts 18, 20, 21 & 22...

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:
American flags should be hung on a bracket attached to the house using "flag etiquette." If not hung properly, they must be removed. See https://www.usa.gov/flag for information on how to properly hang and treat an American flag.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
American flags should be hung on a bracket attached to the house using "flag etiquette." If not hung properly, they must be removed. See https://www.usa.gov/flag for information on how to properly hang and treat an American flag. [STATUTORY FLAG EXEMPTION]: In accordance with the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L.