

Section 1: [Rules and Regulations, Section II.G] Prohibition on Displaying Flags and Political Yard Signs

To preserve the natural Lowcountry beauty of Hilton Head Plantation, no flags, banners, pennants, or political yard signs of any kind shall be displayed on any residential Lot, mailbox, or structure visible from any street, lagoon, or golf course.

MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): 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) & S.C. Code Ann. §§ 27-30-110 to 27-30-310 (South Carolina HOA Act) & S.C. Code Regs. Ch. 28 (SC Dept. of Consumer Affairs HOA Rules)

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:

[Rules and Regulations, Section II.G] Prohibition on Displaying Flags and Political Yard Signs
To preserve the natural Lowcountry beauty of Hilton Head Plantation, no flags, banners, pennants, or political yard signs of any kind shall be displayed on any residential Lot, mailbox, or structure visible from any street, lagoon, or golf course.

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.