

DALLAS DOWNS HOMEOWNERS ASSOCIATION
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MARKUP #1 ->

Resolution Governing Flag and Sign Display
Approved by the Board of Directors on September 24, 2026

Our covenants already require Architectural Review Committee (ARC) approval (called the Design Committee in our Declaration) before flying most flags, other than a reasonably-sized American flag (Declaration Section 4.20). The Board also has authority under Article IX, Section 3 of the Declaration to adopt rules for how properties are used. Using that authority, the Board adopts this rule to expand what’s allowed to be consistent with Tennessee law, to pre-approve common small flags and signs so residents don’t need to apply for them, and to clarify how any flag must be displayed.

ISSUE #1

~~Flag Display: Our covenants already allow a reasonably sized American flag to be flown without ARC approval, while requiring ARC approval for all other flags (Declaration Section 4.20). We’re expanding that allowance to also cover an official or replica flag of any branch of the U.S. armed forces, consistent with Tennessee law (Tenn. Code Ann. § 66-27-602). And whichever flag you fly, it needs to be kept in good condition and displayed properly, consistent with the U.S. Flag Code (4 U.S.C. §§ 5-10).~~

Pre-Approved Small Flags: To save residents the step of applying, seasonal, school, holiday, sports team, and collegiate flags are pre-approved and may be flown without ARC approval, as long as:

- the flag is no larger than 3 feet by 5 feet (small garden flags on a stake are included);
- no more than two pre-approved flags are displayed on a lot at one time.

All other flags – including other types of flags, flags larger than the size above, and displays of more flags than the number above – still need ARC approval.

Pre-Approved Small Signs: The same pre-approval applies to small signs. Seasonal, school, holiday, sports team, and collegiate signs may be displayed without ARC approval, as long as each sign meets the existing sign requirements in Declaration Sections 4.2 and 4.2.1 and no more than two pre-approved signs are displayed on a lot at one time. This pre-approval does not change any other sign rule in the Declaration, including the rules for political, contractor, and garage sale signs.

Enforcement: This rule is enforced in the same way as any other fineable violation under Article VII, Section 1(f) of the By-Laws – see the Fine Structure Resolution for the fine schedule.

Effective Date: This rule will be promptly published on DallasDowns.org, with informal notice also posted to the neighborhood Facebook page, and will become effective 30 days after publication.

CERTIFICATION

I, Tyler Martin, Secretary of Dallas Downs Homeowners Association, Inc., do hereby certify that the foregoing Resolution Governing Flag Display was duly adopted by majority vote of the Board of Directors at a meeting held on September 24, 2026.

DocuSigned by:

Tyler Martin
Secretary, Dallas Downs Homeowners Association, Inc. Date: 10/5/2026

MARKUP #1 · CONFLICTS WITH FED LAW BOARD & COUNSEL REVIEW

Sec. 4.20 (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) & Tenn. Code Ann. Title 66, Ch. 27, Title 48, Ch. 51 - 68 & Tenn. Comp. R. & Regs. 1260-02-.09

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:
) . We're expanding that allowance to also cover an official or replica flag of any branch of the U.S. armed forces, consistent with Tennessee law (Tenn. Code Ann. § 66-27-602). And whichever flag you fly, it needs to be kept in good condition and displayed properly, consistent with the U.

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.