MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section 7.15 - Sample Provision Excerpt (Public Preview)

FLAGS. Each owner and resident of Savannah has a right tc:> fly the flag on his lot. · One United State flag ("Old Glory") and/or one Texas flag ("Lone Star Flag") may be displayed in ·a. respectful ·manner on each lot subject to reasonable standards adopted by the Association for the height, size, illumination, location, and number of flagpoles.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7.15 (p. 26): 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) & Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate 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:

FLAGS. Each owner and resident of Savannah has a right tc:> fly the flag on his lot. · One United State flag ("Old Glory") and/or one Texas flag ("Lone Star Flag") may be displayed in ·a. respectful ·manner on each lot subject to reasonable standards adopted by the Association for the height, size, illumination, location, and number of flagpoles.

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.