ISSUE #1

Section 6 - Sample Provision Excerpt (Public Preview)

All dwellings and other structures to have windows free of cracks or material used to cover broken windows. Window coverings, including blinds that are visible from outside must be in good condition (NO FLAGS, BEDDING MATERIAL OR BLANKETS ALLOWED).

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT — BOARD & COUNSEL REVIEW

Sec. 6 (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) & Va. Code Ann. §§ 55.1-1800 to 55.1-1836 (Virginia Property Owners' Association Act) & 18 VAC 48-50 / 48-60 / 48-70...

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:
All dwellings and other structures to have windows free of cracks or material used to cover broken windows. Window coverings, including blinds that are visible from outside must be in good condition (NO FLAGS, BEDDING MATERIAL OR BLANKETS ALLOWED).

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.