Greater Smoketree Association · Declaration of Covenants, Conditions & Restrictions (Declaration / CC&Rs) - Page 1

ISSUE #1

Section 2 - Sample Provision Excerpt (Public Preview)

No sign of any kind shall be displayed to the public view on any Lot except one sign of not more than six square feet advertising on the Lot for sale or rent, or signs used by a builder to advertise the Lot during the construction and sales period.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2 (p. 1): Protected Political/Real-Estate Signage, Flag, or Religious Display Restriction: Clause bans all yard signs without a statutory political/election sign carve-out or restricts protected U.S./military flags or religious displays under VA and federal law.

Statutory / Legal Reference: Va. Code Ann. § 55.1-1800 to 55.1-1836 (Virginia Property Owners' Association Act) & 18 VAC 48-50 / 48-60 / 48-70 (Virginia CIC Board & Ombudsman Regulations)

Statutory Comparison: Under Va. Code § 55.1-1820; 4 U.S.C. § 5, associations may not prohibit the display of the United States flag (4 U.S.C. § 5) or enforce blanket bans on residential yard signs that fail to carve out statutorily protected political election signs, religious door displays, or owner "For Sale/For Lease" signs where preempted by VA statute.

CURRENT WORDING IN DOCUMENT:

No sign of any kind shall be displayed to the public view on any Lot except one sign of not more than six square feet advertising on the Lot for sale or rent, or signs used by a builder to advertise the Lot during the construction and sales period.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 2 to carve out statutorily protected political signs during election periods, U.S./State/Military flags under 4 U.S.C. § 5, and religious displays in accordance with Va. Code § 55.1-1820; 4 U.S.C. § 5.