Greenbrier Hills HOA · Declaration of Covenants, Conditions & Restrictions (Declaration / CC&Rs) - Page 1

ISSUE #1

Section D - Sample Provision Excerpt (Public Preview)

Signs: No sign of any kind shall be displayed to the public view on any Lot, except for: (1) one professional sign of not more than one square foot; and (2) one sign of not more than five (5) square feet advertising a dwelling, or a dwelling under construction or to be constructed upon the property for sale or rent.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. D (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:
Signs: No sign of any kind shall be displayed to the public view on any Lot, except for: (1) one professional sign of not more than one square foot; and (2) one sign of not more than five (5) square feet advertising a dwelling, or a dwelling under construction or to be constructed upon the property for sale or rent.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section D 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.