

ISSUE #1

MARKUP #1 ->

Section 1: [Chenal Valley Residential Design Guidelines, Section 5.8] Strict Prohibition on Political Signs and Yard Dis

No signs, banners, flags, or advertising devices of any nature shall be erected or maintained on any Lot, except one (1) standard real estate 'For Sale' sign approved by the Architectural Control Committee. Political signs, contractor signs, and commercial signs are prohibited on all Lots and Common Areas.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Chenal Valley Residential Design Guidelines, Section 5.8 (p. 1): Clause prohibits the display of the United States flag, military flags, or residential political signs in violation of 4 U.S.C. § 5 and Ark. Code Ann. §§ 18-11-301, 18-13-108.

Statutory / Legal Reference: 4 U.S.C. § 5 & Ark. Code Ann. §§ 18-11-301, 18-13-108

Statutory Comparison: Under the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5), an association may not adopt or enforce any policy that restricts or prevents an owner from displaying the flag of the United States on residential property to which the owner has a separate ownership interest or right to exclusive use. Additionally, under Ark. Code Ann. § 18-11-301, restrictive covenants are strictly construed in favor of free property use and may not impose unrecorded blanket bans on residential political yard signs.

CURRENT WORDING IN DOCUMENT:

[Chenal Valley Residential Design Guidelines, Section 5.8] Strict Prohibition on Political Signs and Yard Displays - No signs, banners, flags, or advertising devices of any nature shall be erected or maintained on any Lot, except one (1) standard real estate 'For Sale' sign approved by the Architectural Control Committee. Political signs, contractor signs, and commercial signs are prohibited on all Lots and Common Areas.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to 4 U.S.C. § 5 and Ark. Code Ann. §§ 18-11-301 and 18-13-108, nothing in the Governing Documents shall prohibit an Owner from respectfully displaying the flag of the United States or Armed Forces flags, or displaying temporary residential political signs subject to reasonable time, place, and manner regulations.