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Political signs may lead to troublesome times, condo fines

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Before planting a political sign on your front lawn, you'd better consult your community association's governing documents.

Otherwise, you could be fined up to \$1,000, locked out of the community pool and have your voting rights suspended.

"A condominium or [homeowners association] can fine for political sign rule violations if the governing documents provide the association with such rights," said Donna Berger, executive director of the Community Advocacy Network, a lobbying group for associations. An association must give an owner 14 days notice before levying a fine and the owner must have an opportunity for a hearing. Fines cannot exceed \$100 per day up to 10 days for any single infraction and they cannot become a lien against the property.



While many associations allow political signs, others ban them as a way to avoid a sea of signage.

"Nine times out of 10, it is not the board complaining, it's a neighbor who has to look at that sign every day," Berger said.

On the other hand, if you really want to display your sign, you could challenge such rules as a violation of free speech rights.

"Constitutional rights exist even in a gated community," [Boca Raton](#) attorney Barry Silver said. "And the U.S. Constitution trumps association governing documents if those rules violate fundamental civil rights. Just because you decide to live in a community association, it doesn't mean you have to give up all of your rights."

Berger counters, "There is no First Amendment right to put up a political sign in a deed-restricted community because there is no state action in a private HOA. So the association can enforce its 'no sign' rules in this regard."

"From a practical standpoint, however, the election will be long over before the association has its day in court," she said. "So the preferable route may be to simply fine and/or suspend use [of amenities] and voting rights for those owners who repeatedly ignore the request to take a sign down."

Silver suggests boards be flexible, since political signs are temporary.

"Boards should learn to live and let live. Even more important than order is harmony among neighbors," he said.

The board at the Pelican Harbor Homeowners Association, in [Delray Beach](#), agrees.

"Although we do not allow commercial signs in our community, we felt that political signs, as long as they were limited to one's own property, were an expression of free speech and would be allowed," Director Harvey Starin said.

And what are Starin's neighbors doing with the freedom? So far, only one owner has posted a sign.

At the 136-unit Ocean Harbor Condominiums, in Deerfield Beach, "we don't allow any signs and never had it challenged," resident Joanne Carrig said. "I think political signs would get out of hand. Unit owners would want to display their favorite party or issue and then there would be a lot of signs on the property."

Sid Feldman, president of the Republican Club of Wynmoor, in Coconut Creek, agrees.

He said some unit owners in his community flout the rules and put up signs on building bulletin boards. But condo staffers quickly remove them.

Feldman said he has no issue with the no-signs rule.

"This is a retirement community, and that kind of thing would take away from the type of living that we like to have here," he said.

For those living in governed communities, Feldman suggests looking for exceptions in the governing documents. Feldman's association allows his club to post political signs in a common meeting room for its monthly meetings.

Said Feldman: "That's good enough."

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