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## Boards face variety of issues

August 28, 2011

By Jenni Vincent - Journal staff writer ([jvincent@journal-news.net](mailto:jvincent@journal-news.net)) , [journal-news.net](http://journal-news.net)

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SHEPHERDSTOWN - Big and small, home owners associations' officials face a variety of issues on a regular basis.

But something that has recently surfaced on a fairly regular basis is the debate about displaying the American flag, according to attorney Ami Pape of Rees Broom PC, one of the largest community association law practices in the Washington, D.C. area.

Pape, speaking at the recent West Virginia Community Association Day, said told home owners associations' representatives that this is an issue which has recently been in the headlines more than ever, she said.

While federal law says homeowners can display the American flag, not every HOA is aware of this regulation, Pape said.

"They do have to properly light it and follow all the flag code, which is where most of them mess up, but they are allowed to do it. And home owners associations can typically enact reasonable rules governing where that flag can be and when they can have it up, as long as they follow the flag code," she said.

However that doesn't mean a homeowner can fly another particular one, such as a Shepherd University or Marine Corps flag or even the West Virginia flag, Pape said.

"It means they can fly the American flag and only the American flag. But if you, as an association, have restrictions in your document, you can still prohibit every other flag if you want to," she said.

She made her remarks as part of a presentation stressing the importance of covenant enforcement.

While she maintains enforcement is the key to protecting property values, Pape also urged HOA officials to use their best judgment along with some common sense in taking action.

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Attorney Ami Pape

Lawsuits aren't always the only answer, especially since litigation is expensive, she said.

"And since litigation is expensive, you need to do some cost versus benefit analysis before suing - especially since there may be other ways to deal with covenant violations and to avoid a lawsuit. For example, is that fence worth \$20,000 or \$40,000 to your association because that is what you're going to spend," Pape said.

It may also be possible to seek help from local authorities, she said.

"You may have county hotlines to deal with pet or noise complaints while the police may be able to enforce a noise ordinance," Pape said.

- Staff writer Jenni Vincent can be reached at 304-263-8931, ext. 138, or [jvincent@journal-news.net](mailto:jvincent@journal-news.net)

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August 28, 2011

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**DavidKlinger**

Aug-29-11 4:12 PM

Agree | Disagree

Missing from this article is the basic understanding that in a region of no zoning, lax land use policies, ineffective regulation, and inadequate county oversight, homeowners associations are one of the few tools average homeowners have to protect themselves and to provide at least a modicum of stability for their neighborhoods. Trotting out horror stories about over-zealous clothesline and antenna regulations in Beltway-style, Montgomery County communities has little relevance to West Virginia, and simply serves to obscure the fact that people here need more protections than they are currently getting. Over 5,000 American cities and towns have zoning; here, we've consciously chosen to make ourselves defenseless; homeowners associations surely do more good than harm. And if "citizen government" is preferable to traditional government, there should be no quibble with homeowners regulating their own neighborhoods.

0 Agrees | 0 Disagrees | Report Abuse »

**Inquisitive**

Aug-29-11 6:56 AM

Agree | Disagree

What a ridiculous article. HOA don't exist to function as an income for attorneys, which is pretty much the focus of this article. Attorneys are the source of many of our problems in this greed driven society, but then there's the issue of the flag. Who would have dreamed that the FLAG would be an issue???? As students we were taught patriotism, respect for others and self, and honesty. Faith was a part of life for nearly everyone. Now they are taught multiculturalism (which has destroyed Europe) and personal rights, plus how to get something for nothing and no respect for God, country or the flag. Is it any wonder our way of life is spiraling downward?

0 Agrees | 0 Disagrees | Report Abuse »

**dackbc**

Aug-28-11 10:04 PM

Agree | Disagree

I'll bet the Socialists HOA people don't know that I can put a TV antenna on my house, and they can't stop it...Check it out!

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**BDaddy**

Aug-28-11 9:55 AM

Agree | Disagree

I've never once seen the value of a house degraded because a resident was flying a particular flag. HOA's were commissioned to help keep values high. This is complete and utter garbage. HOA's most certainly didn't help keep any values high when house values dropped over 50% in value just a few years ago.

And then we have to read about their concerns on "flags". Ridicules!

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