

As Introduced

**128th General Assembly
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H. B. No. 289

Representatives DeGeeter, Coley

**Cosponsors: Representatives Book, Boose, Murray, Gardner, Evans, Harris,
Uecker, Harwood, Gerberry, Letson, Adams, R., Lundy, Luckie, Stebelton,
Mecklenborg, Lehner, Ujvagi, Yuko, Phillips, Dodd**

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A B I L L

To amend sections 5301.072 and 5311.191 and to enact 1
section 5321.131 of the Revised Code to prohibit 2
condominium associations, neighborhood 3
associations, and landlords from restricting the 4
display of blue star banners, gold star banners, 5
and other service flags, and to prohibit landlords 6
from restricting the display of the United States 7
flag. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5301.072 and 5311.191 be amended and 9
section 5321.131 of the Revised Code be enacted to read as 10
follows: 11

Sec. 5301.072. (A) No covenant, condition, or restriction set 12
forth in a deed, and no rule, regulation, bylaw, or other 13
governing document or agreement of a homeowners, neighborhood, 14
civic, or other association, shall prohibit or be construed to 15
prohibit ~~the~~ any of the following: 16

(1) The placement on any property of a flagpole that is to be 17

used for the purpose of displaying, ~~or shall prohibit or be~~ 18
~~construed to prohibit the flag of the United States;~~ 19

(2) The display on any property of, the flag of the United 20
States if the flag is displayed in accordance with any of the 21
following: 22

~~(1)(a)~~ The patriotic customs set forth in 4 U.S.C.A. 5-10, as 23
amended, governing the display and use of the flag of the United 24
States; 25

~~(2)(b)~~ The consent of the property's owner or of any person 26
having lawful control of the property; 27

~~(3)(c)~~ The recommended flagpole standards set forth in "Our 28
Flag," published pursuant to S.C.R. 61 of the 105th Congress, 1st 29
Session (1998); 30

~~(4)(d)~~ Any federal law, proclamation of the president of the 31
United States or the governor, section of the Revised Code, or 32
local ordinance or resolution. 33

(3) A service flag approved by the United States secretary of 34
defense for display in a window of the residence of a member of 35
the immediate family of an individual serving in the armed forces 36
of the United States. A service flag includes a blue star banner, 37
a gold star banner, and any other flag the secretary of defense 38
designates as a service flag. 39

(B) A covenant, condition, restriction, rule, regulation, 40
bylaw, governing document, or agreement or a construction of any 41
of these items that violates division (A) of this section is 42
against public policy and unenforceable in any court of this state 43
to the extent it violates that division. 44

Sec. 5311.191. (A) No declaration, bylaw, rule, regulation, 45
or agreement of a condominium property or construction of any of 46
these items by the board of managers of its unit owners 47

association shall ~~prohibit~~ do either of the following: 48

(1) Prohibit the placement of a flagpole that is to be used 49
for the purpose of displaying, or ~~shall~~ prohibit the display of, 50
the flag of the United States on or within the limited common 51
areas and facilities of a unit owner or on the immediately 52
adjacent exterior of the building in which the unit of a unit 53
owner is located, if the flag is displayed in accordance with any 54
of the following: 55

~~(1)~~(a) The patriotic customs set forth in 4 U.S.C.A. 5-10, as 56
amended, governing the display and use of the flag of the United 57
States; 58

~~(2)~~(b) The recommended flagpole standards set forth in "Our 59
Flag," published pursuant to S.C.R. 61 of the 105th Congress, 1st 60
Session (1998); 61

~~(3)~~(c) Any federal law, proclamation of the president of the 62
United States or the governor, section of the Revised Code, or 63
local ordinance or resolution. 64

(2) A service flag approved by the United States secretary of 65
defense for display in a window of the residence of a member of 66
the immediate family of an individual serving in the armed forces 67
of the United States. A service flag includes a blue star banner, 68
a gold star banner, and any other flag the secretary of defense 69
designates as a service flag. 70

(B) A declaration, bylaw, rule, regulation, or agreement or 71
the construction of any of these items that violates division (A) 72
of this section is against public policy and unenforceable in any 73
court of this state to the extent it violates that division. 74

Sec. 5321.131. (A) No landlord shall include any restriction 75
in a rental agreement, or otherwise prohibit on a tenant's rental 76
property, either of the following: 77

(1) The display of the flag of the United States if the flag 78
is displayed in accordance with any of the following: 79

(a) The patriotic customs set forth in 4 U.S.C.A. 5-10, as 80
amended, governing the display and use of the flag of the United 81
States; 82

(b) Federal law, state law, or any local ordinance or 83
resolution; 84

(c) A proclamation of the president of the United States or 85
the governor of the state. 86

(2) The display of a service flag approved by the United 87
States secretary of defense for display in a window of the 88
residence of a member of the immediate family of an individual 89
serving in the armed forces of the United States. A service flag 90
includes a blue star banner, a gold star banner, and any other 91
flag the secretary of defense designates as a service flag. 92

(B) Any violation of this section is against public policy 93
and unenforceable. Any provision of a rental agreement that 94
violates this section is an unconscionable term under section 95
5321.14 of the Revised Code. 96

Section 2. That existing sections 5301.072 and 5311.191 of 97
the Revised Code are hereby repealed. 98