

As Introduced

**130th General Assembly
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H. B. No. 622

Representative Gonzales

**Cosponsors: Representatives Barborak, Becker, Bishoff, Brenner, Buchy,
Dovilla, Grossman, Hood, Rosenberger, Slaby, Thompson, Wachtmann**

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A B I L L

To amend sections 5301.072 and 5311.191 and to enact 1
sections 4781.401 and 5321.131 of the Revised Code 2
to prohibit manufactured homes park operators, 3
condominium associations, neighborhood 4
associations, and landlords from restricting the 5
display of blue star banners, gold star banners, 6
and other service flags, and to prohibit 7
manufactured homes park operators and landlords 8
from restricting the display of the United States 9
flag. 10

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

Section 1. That sections 5301.072 and 5311.191 be amended and 11
sections 4781.401 and 5321.131 of the Revised Code be enacted to 12
read as follows: 13

Sec. 4781.401. (A) No restriction set forth in a rental 14
agreement shall prohibit or be construed to prohibit either of the 15
following: 16

(1) The display, on the tenant's rental property, of the flag 17
of the United States if the flag is displayed in accordance with 18

any of the following: 19

(a) The patriotic customs set forth in 4 U.S.C. 5 to 10, as 20
amended, governing the display and use of the flag of the United 21
States; 22

(b) Federal law, state law, or any local ordinance or 23
resolution; 24

(c) A proclamation of the president of the United States or 25
the governor. 26

(2) The display, on the tenant's rental property, of a 27
service flag approved by the United States secretary of defense 28
for display in a window of the residence of a member of the 29
immediate family of an individual who is serving in the armed 30
forces of the United States. A service flag includes a blue star 31
banner, a gold star banner, and any other flag the secretary of 32
defense designates as a service flag. 33

(B) A restriction or a construction of a restriction that 34
violates division (A) of this section is against public policy and 35
unenforceable in any court of this state to the extent it violates 36
that division. 37

Sec. 5301.072. (A) No covenant, condition, or restriction set 38
forth in a deed, and no rule, regulation, bylaw, or other 39
governing document or agreement of a homeowners, neighborhood, 40
civic, or other association, shall prohibit or be construed to 41
prohibit ~~the~~ any of the following: 42

(1) The placement on any property of a flagpole that is to be 43
used for the purpose of displaying, ~~or shall prohibit or be~~ 44
~~construed to prohibit~~ the flag of the United States; 45

(2) The display on any property of, ~~the~~ flag of the United 46
States if the flag is displayed in accordance with any of the 47
following: 48

~~(1)(a)~~ The patriotic customs set forth in 4 U.S.C.A. 5- to 49
10, as amended, governing the display and use of the flag of the 50
United States; 51

~~(2)(b)~~ The consent of the property's owner or of any person 52
having lawful control of the property; 53

~~(3)(c)~~ The recommended flagpole standards set forth in "Our 54
Flag," published pursuant to S.C.R. 61 of the 105th Congress, 1st 55
Session (1998); 56

~~(4)(d)~~ Any federal law, proclamation of the president of the 57
United States or the governor, section of the Revised Code, or 58
local ordinance or resolution. 59

(3) The display of a service flag approved by the United 60
States secretary of defense for display in a window of the 61
residence of a member of the immediate family of an individual who 62
is serving in the armed forces of the United States. A service 63
flag includes a blue star banner, a gold star banner, and any 64
other flag the secretary of defense designates as a service flag. 65

(B) A covenant, condition, restriction, rule, regulation, 66
bylaw, governing document, or agreement or a construction of any 67
of these items that violates division (A) of this section is 68
against public policy and unenforceable in any court of this state 69
to the extent it violates that division. 70

Sec. 5311.191. (A) No declaration, bylaw, rule, regulation, 71
or agreement of a condominium property or construction of any of 72
these items by the board of managers of its unit owners 73
association shall prohibit ~~the~~ either of the following: 74

(1) The placement of a flagpole that is to be used for the 75
purpose of displaying, or shall prohibit the display of, the flag 76
of the United States on or within the limited common areas and 77
facilities of a unit owner or on the immediately adjacent exterior 78

of the building in which the unit of a unit owner is located, if 79
the flag is displayed in accordance with any of the following: 80

~~(1)(a)~~ The patriotic customs set forth in 4 U.S.C.A. 5- to 81
10, as amended, governing the display and use of the flag of the 82
United States; 83

~~(2)(b)~~ The recommended flagpole standards set forth in "Our 84
Flag," published pursuant to S.C.R. 61 of the 105th Congress, 1st 85
Session (1998); 86

~~(3)(c)~~ Any federal law, proclamation of the president of the 87
United States or the governor, section of the Revised Code, or 88
local ordinance or resolution. 89

(2) The display of a service flag approved by the United 90
States secretary of defense for display in a window of the 91
residence of a member of the immediate family of an individual who 92
is serving in the armed forces of the United States. A service 93
flag includes a blue star banner, a gold star banner, and any 94
other flag the secretary of defense designates as a service flag. 95

(B) A declaration, bylaw, rule, regulation, or agreement or 96
the construction of any of these items that violates division (A) 97
of this section is against public policy and unenforceable in any 98
court of this state to the extent it violates that division. 99

Sec. 5321.131. (A) No restriction set forth in a rental 100
agreement shall prohibit or be construed to prohibit either of the 101
following: 102

(1) The display, on the tenant's rental property, of the flag 103
of the United States if the flag is displayed in accordance with 104
any of the following: 105

(a) The patriotic customs set forth in 4 U.S.C. 5 to 10, as 106
amended, governing the display and use of the flag of the United 107
States; 108

<u>(b) Federal law, state law, or any local ordinance or</u>	109
<u>resolution;</u>	110
<u>(c) A proclamation of the president of the United States or</u>	111
<u>the governor.</u>	112
<u>(2) The display, on the tenant's rental property, of a</u>	113
<u>service flag approved by the United States secretary of defense</u>	114
<u>for display in a window of the residence of a member of the</u>	115
<u>immediate family of an individual who is serving in the armed</u>	116
<u>forces of the United States. A service flag includes a blue star</u>	117
<u>banner, a gold star banner, and any other flag the secretary of</u>	118
<u>defense designates as a service flag.</u>	119
<u>(B) A restriction or a construction of a restriction that</u>	120
<u>violates division (A) of this section is against public policy and</u>	121
<u>unenforceable in any court of this state to the extent it violates</u>	122
<u>that division.</u>	123
Section 2. That existing sections 5301.072 and 5311.191 of	124
the Revised Code are hereby repealed.	125