



# Ohio Legislative Service Commission

## Bill Analysis

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### **S.B. 51**

130th General Assembly  
(As Introduced)

**Sens.** Coley, Hite, Beagle, Jones, Schaffer

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## **BILL SUMMARY**

- Prohibits manufactured home park operators and landlords from including a restriction in a rental agreement, or otherwise prohibiting the display of a service flag or the flag of the United States.
- Prohibits neighborhood associations and condominium associations from including a provision in a governing document that prohibits the display of a service flag, and prohibits the trustees of the association from construing a provision in a governing document for that purpose.

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## **CONTENT AND OPERATION**

### **Display of service flags**

The bill establishes that a tenant with a rental agreement or a tenant residing in a manufactured home park, or a property owner residing in a neighborhood or condominium association, may not be prevented from displaying a flag that has been designated by the United States Secretary of Defense as a service flag.

Specifically, the bill prohibits any of these entities from including a provision in a rental agreement or governing document<sup>1</sup> that prohibits the display of a service flag approved by the United States Secretary of Defense for display in a window of the residence of a member of the immediate family of an individual who is serving in the

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<sup>1</sup> For the purpose of this analysis, "governing document" includes any declaration, bylaw, rule, or regulation.

armed forces of the United States. A service flag includes a blue star banner, a gold star banner, and any other flag the Secretary of Defense designates as a service flag.<sup>2</sup>

The bill also prohibits a manufactured home park operator or a landlord from otherwise prohibiting such display on the tenant or owners rental property. And the bill prohibits the trustees of a neighborhood association from construing a provision in a governing document of the association in a way as to prohibit the display of a service flag as described above.

Furthermore, the bill establishes that if a rental agreement or governing document includes such a provision, the provision is against public policy, unenforceable, and in the case of a rental agreement, also unconscionable.

### **Display of the flag of the United States**

The bill prohibits a manufactured home park operator or landlord from including any restriction in a rental agreement, or from otherwise prohibiting on a tenant's or owner's rental property, the display of the United States flag if the flag is displayed in accordance with any of the following:

- (a) The patriotic customs set forth in federal law governing the display and use of the United States flag;
- (b) Federal law, Ohio law, or any local ordinance or resolution;
- (c) A presidential or gubernatorial proclamation.<sup>3</sup>

Federal law generally sets forth: appropriate times of day and special occasions for flag display; procedures for hoisting, passing, and lowering the flag; proper locations for flag display; correct position and manner of flag display; and accepted behavior to show respect for the flag, including destruction of a flag no longer considered in fit condition.<sup>4</sup>

Current law similarly prohibits homeowners, neighborhood, civic, and other associations, and condominium associations from prohibiting the display of the flag of the United States.

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<sup>2</sup> R.C. 4781.40(C)(2)(b), 5301.072(A)(3), 5311.191(A)(2), and 5321.131(A)(2).

<sup>3</sup> R.C. 4781.40(C)(2)(a) and 5321.131(A)(1).

<sup>4</sup> See 4 U.S.C. §§ 5-10.

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## HISTORY

ACTION

DATE

Introduced

02-25-13

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