



Ohio Legislative Service Commission

Bill Analysis

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H.B. 18

131st General Assembly
(As Introduced)

Reps. Gonzales and Ginter, Amstutz, Becker, Blessing, Brenner, Buchy, Dever, Grossman, Hayes, T. Johnson, Kraus, Leland, Phillips, Rezabek, Roegner, Terhar, Vitale, Young

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.
- Declares such a prohibited provision or construction to be void as against public policy.

CONTENT AND OPERATION

Display of service flags

The bill specifies that a tenant with a rental agreement or a tenant residing in a manufactured home park, or a property owner or resident subject to 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 document¹ that prohibits the display of a service flag approved by the United States Secretary of Defense for display in a window of the

¹ In this analysis, "governing document" includes any declaration, bylaw, rule, or regulation.

residence of a member of the immediate family of an individual who is serving in the 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.²

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

Furthermore, the bill specifies that if a rental agreement or governing document includes such a restriction, the restriction or a construction of such a restriction is against public policy and unenforceable.³

Display of the United States flag

The bill prohibits a manufactured home park operator or landlord from including any restriction in a rental agreement that prohibits the display of the United States flag on a tenant's or owner's rental property when 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.⁴

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.⁵

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

² R.C. 4781.401(A)(2), 5301.072(A)(3), 5311.191(A)(2), and 5321.131(A)(2).

³ R.C. 4781.401(B) and 5321.131(B); and in continuing law under R.C. 5301.072(B) and 5311.191(B).

⁴ R.C. 4781.401(A)(1) and 5321.131(A)(1).

⁵ See 4 U.S.C. §§ 5-10.

HISTORY

ACTION

DATE

Introduced

01-28-15

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