



Ohio Legislative Service Commission

Bill Analysis

Wendy H. Gridley

S.B. 84

131st General Assembly
(As Introduced)

Sens. Coley, Beagle, Hottinger, Uecker

BILL SUMMARY

- Prohibits manufactured home park operators and landlords from including a provision in a rental agreement or otherwise prohibiting the display of the United States flag, the Ohio flag, or service flags approved by the United States Secretary of Defense.
- Prohibits neighborhood association and condominium associations from including a provision in a governing document that prohibits the display of the Ohio flag or a service flag, subject to specified conditions, and prohibits the trustees of the association from construing a provision in a governing document for that purpose.
- Provides that such a prohibited provision or construction is void as against public policy.

CONTENT AND OPERATION

Display of the United States or Ohio flag, and service flags

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, the Ohio flag, or approved service flags on a tenant's or owner's rental property when the flag is displayed in accordance with specified requirements.¹ In the

¹ Current law already prohibits condominium associations and homeowners, neighborhood, civic, and other associations from prohibiting the display of the United States flag. R.C. 5301.072 and 5311.191. These laws are amended by the bill to include similar prohibitions for the Ohio flag and service flags as explained above.

case of the United States flag, the display cannot be prohibited if it 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.²

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.³

In the case of the Ohio flag, its display cannot be prohibited if its display is in accordance with state law, any local ordinance or resolution, or proclamation of the Governor.⁴ For condominium property, the placement of a flagpole that is to be used for displaying the state flag on or within the limited common areas and facilities of a unit owner or on the immediately adjacent exterior of the building in which the unit of a unit owner is located cannot be prohibited if displayed in accordance with state law, any local ordinance or resolution, or proclamation of the Governor.⁵ For property subject to regulation by a homeowner, neighborhood, civic, or other association, the consent of the property's owner or of any person having lawful control of the property may additionally be required or may, according to bill's terms, provide for the manner of displaying the flag.⁶

In the case of a service flag approved by the Secretary of Defense, its display cannot be prohibited in a window of the residence of a member of the immediate family of an individual serving in the armed forces of the United States. A service flag includes

² R.C. 4781.40(C)(2)(a) and 5321.131(A)(1).

³ See 4 U.S.C. sections 5-10.

⁴ R.C. 4781.40(C)(2)(b) and 5321.131(A)(2).

⁵ R.C. 5311.191(A)(2).

⁶ R.C. 5301.072(A)(3). The bill states that the display of a state flag cannot be prohibited if it is displayed in accordance with the consent of the property owner (it appears the consent, alone, may be sufficient because the bill states that "any of the following" may provide for the manner of display that will preclude the prohibition).



a blue star banner, a gold star banner, and any other flag the Secretary of Defense designates as a service flag.⁷

HISTORY

ACTION	DATE
Introduced	02-23-15

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⁷ R.C. 4781.40(C)(2)(c), 5301.072(A)(3), 5311.191(A)(3), and 5321.131(A)(3).

