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Introduced and read first time: February 12, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Display of United States Flag by Homeowners and Tenants**

3 FOR the purpose of providing that a homeowner or tenant may not be prohibited from
4 displaying on the premises of the property in which the homeowner or tenant is
5 entitled to reside one flag of the United States in a certain manner and subject
6 to certain reasonable rules and regulations regardless of the terms of any
7 contract, deed, covenant, restriction, instrument, declaration, rule, bylaw, lease
8 agreement, rental agreement, or any other document concerning the display of
9 flags or decorations on the property; providing that the terms of any contract,
10 deed, covenant, restriction, instrument, declaration, rule, bylaw, lease
11 agreement, rental agreement, or any other document concerning the display of
12 flags or decorations by a homeowner or tenant on residential property may not
13 prohibit or unduly restrict the right of a homeowner or tenant to display in a
14 certain manner and subject to certain reasonable rules and regulations one flag
15 of the United States on the premises of the property in which the homeowner or
16 tenant is entitled to reside; authorizing the board of directors of a condominium,
17 homeowners association, or housing cooperative, or a landlord to adopt certain
18 reasonable rules and regulations concerning the placement and manner of
19 display of certain flags; requiring the board of directors of a condominium,
20 homeowners association, or housing cooperative, or a landlord to hold a public
21 hearing and provide certain notice to affected homeowners and tenants before
22 adopting certain rules and regulations; providing for the application of this Act;
23 and generally relating to the display of the flag of the United States by
24 homeowners and tenants.

25 BY adding to

1 Article - Real Property
2 Section 14-128
3 Annotated Code of Maryland
4 (2003 Replacement Volume and 2003 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Real Property**

8 14-128.

9 (A) THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY RESIDENTIAL
10 PROPERTY, INCLUDING PROPERTY THAT IS SUBJECT TO THE PROVISIONS OF:

11 (1) TITLE 8, 8A, 11, 11A, OR 11B OF THIS ARTICLE; OR

12 (2) TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND ASSOCIATIONS
13 ARTICLE.

14 (B) REGARDLESS OF THE TERMS OF ANY CONTRACT, DEED, COVENANT,
15 RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT,
16 RENTAL AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING THE DISPLAY OF
17 FLAGS OR DECORATIONS BY A HOMEOWNER OR TENANT ON RESIDENTIAL
18 PROPERTY, A HOMEOWNER OR TENANT MAY NOT BE PROHIBITED FROM DISPLAYING
19 ON THE PREMISES OF THE PROPERTY IN WHICH THE HOMEOWNER OR TENANT IS
20 ENTITLED TO RESIDE ONE PORTABLE, REMOVABLE FLAG OF THE UNITED STATES IN
21 A RESPECTFUL MANNER, CONSISTENT WITH 4 U.S.C. §§ 4 THROUGH 10, AS AMENDED,
22 AND SUBJECT TO REASONABLE RULES AND REGULATIONS ADOPTED PURSUANT TO
23 SUBSECTION (D) OF THIS SECTION.

24 (C) THE TERMS OF ANY CONTRACT, DEED, COVENANT, RESTRICTION,
25 INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL
26 AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING THE DISPLAY OF FLAGS OR
27 DECORATIONS BY A HOMEOWNER OR TENANT ON RESIDENTIAL PROPERTY MAY NOT
28 PROHIBIT OR UNDULY RESTRICT THE RIGHT OF A HOMEOWNER OR TENANT TO
29 DISPLAY ON THE PREMISES OF THE PROPERTY IN WHICH THE HOMEOWNER OR
30 TENANT IS ENTITLED TO RESIDE ONE PORTABLE, REMOVABLE FLAG OF THE UNITED
31 STATES IN A RESPECTFUL MANNER, CONSISTENT WITH 4 U.S.C. §§ 4 THROUGH 10, AS
32 AMENDED, AND SUBJECT TO REASONABLE RULES AND REGULATIONS ADOPTED
33 UNDER SUBSECTION (D) OF THIS SECTION.

34 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF
35 DIRECTORS OF A CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR HOUSING
36 COOPERATIVE, OR A LANDLORD MAY ADOPT REASONABLE RULES AND REGULATIONS
37 REGARDING THE PLACEMENT AND MANNER OF DISPLAY OF THE FLAG OF THE
38 UNITED STATES AND A FLAGPOLE USED TO DISPLAY THE FLAG OF THE UNITED
39 STATES ON THE PREMISES OF THE PROPERTY IN WHICH THE HOMEOWNER OR
40 TENANT IS ENTITLED TO RESIDE.

1 (2) BEFORE ADOPTING ANY RULES OR REGULATIONS UNDER
2 PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF DIRECTORS OF THE
3 CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR HOUSING COOPERATIVE, OR THE
4 LANDLORD SHALL:

5 (I) HOLD A PUBLIC HEARING ON THE PROPOSED RULES AND
6 REGULATIONS FOR THE PURPOSE OF PROVIDING AFFECTED HOMEOWNERS AND
7 TENANTS AN OPPORTUNITY TO BE HEARD; AND

8 (II) PROVIDE ADVANCE NOTICE OF THE TIME AND PLACE OF THE
9 PUBLIC HEARING BY PUBLISHING THE NOTICE IN A COMMUNITY NEWSLETTER, ON A
10 COMMUNITY BULLETIN BOARD, OR BY OTHER MEANS REASONABLY CALCULATED TO
11 INFORM THE AFFECTED HOMEOWNERS AND TENANTS.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
13 construed to apply retroactively and shall be applied to and interpreted to affect,
14 regardless of the date of adoption or effectiveness, any contract, deed, covenant,
15 restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement,
16 or any other document concerning the display of flags or decorations by a homeowner
17 or tenant on residential property.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect October 1, 2004.