

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 18**

**Representatives Gonzales, Ginter**

**Cosponsors: Representatives Amstutz, Becker, Blessing, Brenner, Buchy, Dever,  
Grossman, Hayes, Johnson, T., Kraus, Leland, Phillips, Rezabek, Roegner, Terhar,  
Vitale, Young**

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**A BILL**

To amend sections 5301.072 and 5311.191 and to 1  
enact sections 4781.401 and 5321.131 of the 2  
Revised Code to prohibit manufactured homes park 3  
operators, condominium associations, 4  
neighborhood associations, and landlords from 5  
restricting the display of blue star banners, 6  
gold star banners, and other service flags, and 7  
to prohibit manufactured homes park operators 8  
and landlords from restricting the display of 9  
the United States 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 11  
and sections 4781.401 and 5321.131 of the Revised Code be 12  
enacted to 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 15  
the following: 16

(1) The display, on the tenant's rental property, of the 17

flag of the United States if the flag is displayed in accordance 18  
with any of the following: 19

(a) The patriotic customs set forth in 4 U.S.C. 5 to 10, 20  
as amended, governing the display and use of the flag of the 21  
United 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 25  
or 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 35  
and unenforceable in any court of this state to the extent it 36  
violates that division. 37

**Sec. 5301.072.** (A) No covenant, condition, or restriction 38  
set 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 43  
be 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 States if the flag is displayed in accordance with any of the following:

~~(1)(a)~~ The patriotic customs set forth in 4 ~~U.S.C.A.~~ U.S.C. ~~5-105~~ to 10, as amended, governing the display and use of the flag of the United States;

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

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

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

(3) 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 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.

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

**Sec. 5311.191.** (A) No declaration, bylaw, rule, regulation, or agreement of a condominium property or construction of any of these items by the board of managers of

its unit owners association shall prohibit ~~the either of the~~ 75  
following: 76

(1) The placement of a flagpole that is to be used for the 77  
purpose of displaying, or ~~shall prohibit~~ the display of, the 78  
flag of the United States on or within the limited common areas 79  
and facilities of a unit owner or on the immediately adjacent 80  
exterior of the building in which the unit of a unit owner is 81  
located, if the flag is displayed in accordance with any of the 82  
following: 83

~~(1)(a)~~ The patriotic customs set forth in 4 U.S.C.A. 84  
U.S.C. 5-105 to 10, as amended, governing the display and use of 85  
the flag of the United States; 86

~~(2)(b)~~ The recommended flagpole standards set forth in 87  
"Our Flag," published pursuant to S.C.R. 61 of the 105th 88  
Congress, 1st Session (1998); 89

~~(3)(c)~~ Any federal law, proclamation of the president of 90  
the United States or the governor, section of the Revised Code, 91  
or local ordinance or resolution. 92

(2) The display of a service flag approved by the United 93  
States secretary of defense for display in a window of the 94  
residence of a member of the immediate family of an individual 95  
who is serving in the armed forces of the United States. A 96  
service flag includes a blue star banner, a gold star banner, 97  
and any other flag the secretary of defense designates as a 98  
service flag. 99

(B) A declaration, bylaw, rule, regulation, or agreement 100  
or the construction of any of these items that violates division 101  
(A) of this section is against public policy and unenforceable 102  
in any court of this state to the extent it violates that 103

division. 104

Sec. 5321.131. (A) No restriction set forth in a rental 105  
agreement shall prohibit or be construed to prohibit either of 106  
the following: 107

(1) The display, on the tenant's rental property, of the 108  
flag of the United States if the flag is displayed in accordance 109  
with any of the following: 110

(a) The patriotic customs set forth in 4 U.S.C. 5 to 10, 111  
as amended, governing the display and use of the flag of the 112  
United States; 113

(b) Federal law, state law, or any local ordinance or 114  
resolution; 115

(c) A proclamation of the president of the United States 116  
or the governor. 117

(2) The display, on the tenant's rental property, of a 118  
service flag approved by the United States secretary of defense 119  
for display in a window of the residence of a member of the 120  
immediate family of an individual who is serving in the armed 121  
forces of the United States. A service flag includes a blue star 122  
banner, a gold star banner, and any other flag the secretary of 123  
defense designates as a service flag. 124

(B) A restriction or a construction of a restriction that 125  
violates division (A) of this section is against public policy 126  
and unenforceable in any court of this state to the extent it 127  
violates that division. 128

**Section 2.** That existing sections 5301.072 and 5311.191 of 129  
the Revised Code are hereby repealed. 130