

HOUSE RESEARCH

Bill Summary

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Subject: No ban on flying American flag

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Overview

The bill prohibits ordinances, leases, and homeowner association documents that restrict flying the American flag on residential units.

Section

1 Limits on certain residential property rights prohibited.

Subd. 1. General rule. Provides that an owner or tenant of residential property has a right to fly an American flag that cannot be limited by any deed, subdivision regulation, restrictive covenant, ordinance, contract, rental agreement, or homeowners association document.

Defines "homeowners association document" to mean a document of a townhouse, condominium, cooperative and like entities operating under specified laws.

Subd. 2. Exceptions. Allows (1) limits narrowly tailored to protect health or safety, (2) reasonable size restrictions, (3) prohibitions on using a bracket for display on multi-unit rental properties, (4) prohibitions affecting a common area (not including an exterior surface, window, or door of a residential unit).

Subd. 3. Applicability. The section applies to limitations adopted before or after the

Section

effective date of this section. Makes limitations that violate this section void.

Subd. 4. Recovery of attorney fees. Provides attorney fees for a tenant or residential owner who is denied the right to fly the flag. Fees are available for negotiation as well as litigation services.

- 2 **Compliance with covenants, bylaw sand rules.** Amends the provision of the Minnesota Condominium Act on compliance with covenants, bylaws and rules. Makes the section subject to the provision on right to fly the flag.
- 3 **Construction and validity of declaration and bylaws.** Same as section 2; applies to the Uniform Condominium Act.
- 4 **Powers of unit owners association.** Amends this section of the Uniform Condominium Act to require compliance with the law on right to fly the flag.
- 5 **Construction and validity of declaration and bylaws.** Amends the Common Interest Ownership Act (CIOA) section on declaration and bylaws to require compliance with the right to fly the flag.
- 6 **Powers of unit owners association.** Conforms another CIOA section to the right to fly the flag.