

# House Research Act Summary

**CHAPTER:** 168

**SESSION:** 2005 Regular Session

**TOPIC:** No ban on flying American flag

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## Overview

The act 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) restricting display to a portion of property to which the owner or tenant has exclusive use, and (4) requirements that the flag be displayed in a legal manner or not be permanently affixed to rental property.

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

- 2 **Compliance with covenants, bylaws and 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.** Amends the Common Interest Ownership Act (CIOA) section on declaration and bylaws to require compliance with the right to fly the flag.
- 4 **Powers of unit owners association.** Conforms another CIOA section to the right to fly the flag.