

1 SB42  
2 206017-1  
3 By Senator Elliott  
4 RFD: Governmental Affairs  
5 First Read: 11-JAN-22

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8 SYNOPSIS: Under existing federal law, a condominium  
9 association, cooperative association, or  
10 residential real estate management association may  
11 not adopt or enforce any policy, or enter into any  
12 agreement, that would restrict or prevent any  
13 member of the association from displaying the flag  
14 of the United States on residential property within  
15 the association.

16 This bill would provide that a homeowner's  
17 association or condominium association may not  
18 adopt or enforce any policy, or enter into any  
19 agreement, that would restrict or prevent any  
20 member of the association from displaying the flag  
21 of the State of Alabama on residential property  
22 within the association.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1           Relating to property; to provide that a homeowner's  
2 association or condominium association may not prohibit the  
3 displaying of the flag of the State of Alabama on residential  
4 property within the association, with exceptions.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6           Section 1. (a) As used in this act, the following  
7 terms shall have the following meanings:

8           (1) CONDOMINIUM ASSOCIATION. The entity responsible  
9 for the administration and management of condominium property.

10           (2) HOMEOWNER'S ASSOCIATION. As defined under  
11 35-20-2, Code of Alabama 1975.

12           (3) UNIT OWNERS' ASSOCIATION. As defined under  
13 Section 35-8A-301, Code of Alabama 1975.

14           (b) Except as provided in subsection (c), a  
15 condominium association, homeowner's association, or unit  
16 owners' association may not adopt or enforce any policy, or  
17 enter into any agreement, that would restrict or prevent a  
18 member of the association from displaying the flag of the  
19 State of Alabama within the association on property which the  
20 member has a separate ownership interest or a right to  
21 exclusive possession or use.

22           (c) Nothing in this act shall be considered to  
23 prevent any reasonable restriction on the time, place, or  
24 manner of displaying the flag of the State of Alabama  
25 necessary to protect a substantial interest of the condominium  
26 association, homeowner's association, or unit owners'  
27 association.

1                   Section 2. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.