

1 SB8
2 206017-1
3 By Senator Elliott
4 RFD: Governmental Affairs
5 First Read: 02-FEB-21
6 PFD: 09/02/2020

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

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

A BILL
TO BE ENTITLED
AN ACT

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.