

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 759 Session of
2005

INTRODUCED BY MUSTIO, ARGALL, BALDWIN, BARRAR, BASTIAN,
BELFANTI, BENNINGHOFF, BOYD, CALTAGIRONE, CAPPELLI, CAWLEY,
CLYMER, COSTA, CRAHALLA, CREIGHTON, DALEY, FICHTER, GEIST,
GEORGE, GINGRICH, GOOD, GRELL, HERMAN, HERSHEY, HESS,
JOSEPHS, M. KELLER, KILLION, LEDERER, MANN, MARKOSEK,
S. MILLER, NAILOR, O'NEILL, PAYNE, READSHAW, REICHLEY,
ROBERTS, SAYLOR, SCAVELLO, SCHRODER, SOLOBAY, STABACK, STERN,
R. STEVENSON, E. Z. TAYLOR, THOMAS, TIGUE, TRUE, TURZAI,
WATERS, WATSON, WOJNAROSKI, YOUNGBLOOD, ZUG, ARMSTRONG,
PISTELLA, GILLESPIE, McILHINNEY, DENLINGER, HARPER,
HENNESSEY, RAPP, METCALFE AND PYLE, MARCH 14, 2005

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 14, 2005

AN ACT

1 Providing for the display of the American flag, Commonwealth
2 flag or military flag by residents in a unit owners
3 association, homeowners association or master association.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the American,
8 Commonwealth and Military Flag Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "American flag." The flag of the United States, as defined
14 in 4 U.S.C. § 1 (relating to flag; stripes and stars on) and the

1 Executive Orders entered in connection with that section, made
2 of fabric, cloth or paper displayed from a staff or flagpole or
3 in a window. The term does not include a depiction or emblem of
4 the American flag made of lights, paint, roofing, siding, paving
5 materials, flora or balloons, or any other similar building,
6 landscaping or decorative component.

7 "Association." Any unit owners association in a common
8 interest community, including all condominium, planned community
9 or cooperative associations, as defined in 68 Pa.C.S. §§ 3103
10 (relating to definitions), 4103 (relating to definitions) and
11 5103 (relating to definitions), or in any successor statute.

12 "Commonwealth flag." As described in section 1 of the act of
13 June 13, 1907 (P.L.560, No.373), entitled "An act designating
14 the official flag of the Commonwealth of Pennsylvania, and
15 describing the same; providing for the carrying of such flag by
16 the regiments of the National Guard of Pennsylvania; authorizing
17 the Secretary of the Commonwealth to provide, and have deposited
18 in the office of Secretary of the Commonwealth, a model of said
19 flag, and making an appropriation therefor."

20 "Executive board." The body, regardless of name, designated
21 in the declaration to act on behalf of the association.

22 "Military flag." A flag of any branch of the United States
23 Armed Forces or the Pennsylvania National Guard and POW/MIA
24 flags made of fabric, cloth or paper displayed from a staff or
25 flagpole or in a window. The term does not include a depiction
26 or emblem of a military flag made of lights, paint, roofing,
27 siding, paving materials, flora or balloons, or any other
28 similar building, landscaping or decorative component.

29 Section 3. Display of American flag, Commonwealth flag and
30 military flag.

1 Notwithstanding any provision in the association's
2 declaration, covenants, bylaws, rules, regulations or other
3 instruments or any construction of any of those instruments by
4 an association's executive board, an association may not
5 prohibit the outdoor display of one American flag, Commonwealth
6 flag or military flag by a unit owner on that unit owner's
7 property, but not on common elements in the community, if the
8 American flag is displayed in a manner consistent with 4 U.S.C.
9 §§ 4 (relating to pledge of allegiance to the flag; manner of
10 delivery) through 10 (relating to modification of rules and
11 customs by President) and a Commonwealth flag or military flag
12 is displayed in accordance with any rules and regulations
13 adopted by the association. An association may adopt rules and
14 regulations, consistent with 4 U.S.C. §§ 4 through 10, regarding
15 the placement and manner of display of the American flag, and an
16 association may adopt rules and regulations regarding the
17 placement and manner of display of a Commonwealth flag or
18 military flag. An association may adopt rules and regulations
19 regarding the location, size and use of a flagpole but cannot
20 prohibit the use of wall brackets to display the American flag,
21 Commonwealth flag and military flag. The size of the American
22 flag, Commonwealth flag and military flag to be flown shall not
23 be larger than five feet by three feet. In addition, any rules
24 and regulations adopted by the association regarding the display
25 of a military flag must permit the flying of such flags, in a
26 respectful way, on President's Day, Iwo Jima Flag Raising Day,
27 Vietnam Veterans Day, V-E Day, Armed Forces Day, Memorial Day,
28 Flag Day, Independence Day, Korean War Veterans Armistice Day,
29 V-J Day, Patriot's Day, POW/MIA Recognition Day, Veterans Day,
30 Pearl Harbor Day and the birthday of each branch of the United

- 1 States Armed Forces.
- 2 Section 4. Effective date.
- 3 This act shall take effect in 30 days.