
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 82

Session of
2005

INTRODUCED BY GREENLEAF, EARLL, KITCHEN, RAFFERTY, LOGAN, COSTA,
CORMAN, KASUNIC, LEMMOND, TARTAGLIONE, ORIE, O'PAKE, BOSCOLA,
STACK AND REGOLA, JANUARY 31, 2005

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 21, 2006

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
15 Executive Orders entered in connection with that section, made
16 of fabric, cloth or paper displayed from a staff or flagpole or
17 in a window. The term does not include a depiction or emblem of

1 the American flag made of lights, paint, roofing, siding, paving
2 materials, flora or balloons, or any other similar building,
3 landscaping or decorative component.

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

9 ~~"Common element." Any common element in a common interest~~
10 ~~community, as defined in 68 Pa.C.S. §§ 3103 (relating to~~
11 ~~definitions), 4103 (relating to definitions) and 5103 (relating~~
12 ~~to definitions), or in any successor statute. COMMUNITY.~~ <—

13 "COMMON INTEREST COMMUNITY." INCLUDES A COOPERATIVE, A
14 CONDOMINIUM AND A PLANNED COMMUNITY WHERE AN INDIVIDUAL BY
15 VIRTUE OF AN OWNERSHIP INTEREST IN ANY PORTION OF REAL ESTATE IS
16 OR MAY BECOME OBLIGATED BY COVENANT, EASEMENT OR AGREEMENT
17 IMPOSED UPON THE OWNER'S INTEREST TO PAY ANY AMOUNT FOR REAL
18 PROPERTY TAXES, INSURANCE, MAINTENANCE, REPAIR, IMPROVEMENT,
19 MANAGEMENT, ADMINISTRATION OR REGULATION OF ANY PART OF THE REAL
20 ESTATE OTHER THAN THE PORTION OR INTEREST OWNED SOLELY BY THE
21 INDIVIDUAL.

22 "Commonwealth flag." The flag of the Commonwealth as
23 described in section 1 of the act of June 13, 1907 (P.L.560,
24 No.373), entitled "An act designating the official flag of the
25 Commonwealth of Pennsylvania, and describing the same; providing
26 for the carrying of such flag by the regiments of the National
27 Guard of Pennsylvania; authorizing the Secretary of the
28 Commonwealth to provide, and have deposited in the office of
29 Secretary of the Commonwealth, a model of said flag, and making
30 an appropriation therefor." The term does not include a

1 depiction or emblem of the flag of the Commonwealth made of
2 lights, paint, roofing, siding, paving materials, flora or
3 balloons, or any other similar building, landscaping or
4 decorative component.

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

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

14 "Unit owner." Any unit owner in a ~~condominium or a planned~~ <—
15 ~~community, as defined in 68 Pa.C.S. § 3103 (relating to~~
16 ~~definitions) and 5103 (relating to definitions), or in any~~
17 ~~successor statute. The term shall include any proprietary lessee~~
18 ~~in a cooperative, as defined in 68 Pa.C.S. § 4103 (relating to~~
19 ~~definitions), or in any successor statute.~~ COMMON INTEREST <—
20 COMMUNITY.

21 Section 3. Display of American flag, Commonwealth flag and
22 military flag.

23 Notwithstanding any provision in the association's
24 declaration, covenants, bylaws, rules, regulations or other
25 instruments or any construction of any of those instruments by
26 an association's executive board, an association may not
27 prohibit the outdoor display of one American flag, Commonwealth
28 flag and military flag, by a unit owner on that unit owner's
29 property, ~~but not on common elements in the community~~ OR <—
30 PROPERTY WITHIN THE EXCLUSIVE CONTROL OF A UNIT OWNER OR THAT

1 PORTION OF AN EXTERIOR WALL DIRECTLY ATTACHED TO THE UNIT, if
2 the American flag is displayed in a manner consistent with 4
3 U.S.C. §§ 4 (relating to pledge of allegiance to the flag;
4 manner of delivery) through 10 (relating to modification of
5 rules and customs by President) and a Commonwealth flag or
6 military flag is displayed in accordance with any rules and
7 regulations adopted by the association. An association may adopt
8 rules and regulations, consistent with 4 U.S.C. §§ 4 through 10,
9 regarding the placement and manner of display of the American
10 flag, and an association may adopt rules and regulations
11 regarding the placement and manner of display of a Commonwealth
12 flag or military flag. An association may adopt rules and
13 regulations regarding the location, size and use of a flagpole
14 but cannot prohibit the use of wall brackets to display the
15 American flag, Commonwealth flag and military flag. The size of
16 the American flag, Commonwealth flag and military flag to be
17 flown shall not be larger than five feet by three feet. In
18 addition, any rules and regulations adopted by the association
19 regarding the display of a military flag must permit the flying
20 of such flags, in a respectful way, on President's Day, Iwo Jima
21 Flag Raising Day, Vietnam Veterans Day, V-E Day, Armed Forces
22 Day, Memorial Day, Flag Day, Independence Day, Korean War
23 Veterans Armistice Day, V-J Day, Patriot's Day, POW/MIA
24 Recognition Day, Veterans Day, Pearl Harbor Day and the birthday
25 of each branch of the United States Armed Forces.

26 Section 4. Effective date.

27 This act shall take effect in 30 days.