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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5249

04/02/2024 Authored by Kotyza-Witthuhn The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act
1.2 relating to real property; prohibiting homeowners' associations from limiting the
1.3 right to display any flag; amending Minnesota Statutes 2022, section 500.215,
1.4 subdivisions 1, 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 500.215, subdivision 1, is amended to read:

1.7 Subdivision 1. General rule. (a) Any provision of any deed restriction, subdivision
1.8 regulation, restrictive covenant, local ordinance, contract, rental agreement or regulation,
1.9 or homeowners association document that limits the right of an owner or tenant of residential
1.10 property to display the any flag of the United States and the flag of the State of Minnesota
1.11 is void and unenforceable.

1.12 (b) "Homeowners association document" includes the declaration, articles of
1.13 incorporation, bylaws, and rules and regulations of:

1.14 (1) a common interest community, as defined in section 515B.1-103(10), regardless of
1.15 whether the common interest community is subject to chapter 515B; and

1.16 (2) a residential community that is not a common interest community, as defined in
1.17 section 515B.1-103(10).

1.18 Sec. 2. Minnesota Statutes 2022, section 500.215, subdivision 2, is amended to read:

1.19 Subd. 2. Exceptions. (a) This section does not prohibit limitations narrowly tailored to
1.20 protect health or safety, or to prevent the incitement of violence or unlawful activity.

1.21 (b) This section does not prohibit limitations that restrict:

- 2.1 (1) the size of the flag to be displayed to a size customarily used on residential property;
- 2.2 (2) the installation and display of the flag to a portion of the residential property to which
- 2.3 the person who displays the flag has exclusive use; or
- 2.4 (3) illuminating the flag.

2.5 (c) This section does not prohibit a requirement that the flag be displayed in a legal

2.6 manner under Minnesota law, that the flag be in good condition and not altered or defaced,

2.7 or that the flag not be affixed in a permanent manner to that portion of property to be

2.8 maintained by others or in a way that causes more than inconsequential damage to others'

2.9 property. A person who causes damage is liable for the repair costs.