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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

Yes

"Legislature, governor says yes to yellow ribbons," 1-9-2004 Burlington County Times, p.B1

McGreevey approves bill for flag protection," 1-9-2004 Home News & Tribune,p.A3

"New state law upholds flag, ribbon displays," 1-9-2004 Courier-Post, p.5B

P.L. 2003, CHAPTER 209, *approved January 8, 2004*

Assembly Substitute for

Senate, No. 2360 and Assembly, No. 3269

1 **AN ACT** concerning ordinances, resolutions and homeowners'  
2 association rules regulating the public display of the American flag,  
3 yellow ribbons and signs supporting United States troops and  
4 supplementing Title 40 of the Revised Statutes and P.L.1993, c.30  
5 (C.45:22A-43 et seq.).  
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State  
8 of New Jersey:  
9

10 1. a. The governing body of a municipality shall not adopt or  
11 enforce any ordinance or resolution, as appropriate, limiting or  
12 prohibiting the display of the flag of the United States of America or  
13 yellow ribbons and signs supporting United States troops, nor shall  
14 any bond or permit fee be required of a person or organization for  
15 displaying the flag or yellow ribbons and signs supporting United  
16 States troops, except as provided for in subsection b. of this section.

17 b. A municipality may direct removal of an American flag or  
18 yellow ribbons and signs supporting United State troops when it is  
19 exhibited in a manner that threatens public safety, restricts necessary  
20 maintenance activities, interferes with the property rights of another,  
21 or the flag is displayed in a manner inconsistent with the rules and  
22 customs deemed the proper manner to display the flag, such as the  
23 federal flag Code, 4 U.S.C. s.1 et seq., or any other applicable law or  
24 guideline.

25 c. Any ordinance or resolution adopted by the governing body of  
26 a municipality in violation of subsection a. of this section shall be null  
27 and void.  
28

29 2. a. A homeowners' association formed to manage the elements  
30 of property owned in common by all members of a community,  
31 whether it be an association managing a condominium, a private  
32 community, including retirement communities, or a cooperative  
33 housing development, shall not adopt or enforce a rule or bylaw  
34 limiting or prohibiting the display of the flag of the United States of  
35 America or yellow ribbons and signs supporting United States troops,  
36 or charge a fee for any such display, except as provided in subsection  
37 b. of this section. Any such rule or bylaw adopted by a homeowners'  
38 association in violation of this section shall be null and void.

39 b. A homeowners' association may direct removal of an American  
40 flag or yellow ribbons and signs supporting United States troops when  
41 the display threatens public safety, restricts necessary maintenance  
42 activities, interferes with the property rights of another, or is

1 conducted in a manner inconsistent with the rules and customs deemed  
2 the proper manner to display the flag, such as the federal flag Code, 4  
3 U.S.C. s.1 et seq., or any other applicable law or guideline.

4  
5 3. This act shall take effect immediately.

6  
7  
8 STATEMENT

9  
10 This Assembly substitute for Senate, No. 2360 and Assembly, No.  
11 3269 provides conditions which would permit removal of a display of  
12 an American flag or yellow ribbons and signs supporting United States  
13 troops, specifically when the display threatens public safety, restricts  
14 necessary maintenance activities or interferes with the property rights  
15 of another. A display also could be removed if it is conducted in a  
16 manner inconsistent with the rules and customs deemed the proper  
17 manner to display the flag, such as the federal flag Code, 4 U.S.C. s.1  
18 et seq., or any other applicable law or guideline. Section 2 of the bill  
19 would permit removal of a display of the flag, or yellow ribbons and  
20 signs supporting United States troops, by a homeowner's association  
21 under the same conditions as a municipality. This Assembly substitute  
22 replaced the phrase, "yellow ribbons and signs supporting United  
23 States troops," for the phrase, "any other patriotic display," that was  
24 used in the second reprint versions of both bills being substituted.

25  
26  
27 \_\_\_\_\_  
28  
29 Prohibits municipal ordinances and homeowners' association rules  
30 from limiting display of American flag, yellow ribbons and signs  
31 supporting U.S. troops.

**SENATE, No. 2360**

**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

INTRODUCED MARCH 10, 2003

**Sponsored by:**

**Senator JOSEPH A. PALAIA**

**District 11 (Monmouth)**

**Senator PETER A. INVERSO**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Prohibits municipal ordinances and homeowners' association rules from limiting the display of American flag.

**CURRENT VERSION OF TEXT**

As introduced.



**S2360 PALAIA, INVERSO**

2

1 **AN ACT** concerning ordinances and homeowners' association rules  
2 regulating the public display of the American flag and other  
3 matters, supplementing Title 40 of the Revised Statutes and  
4 P.L.1993, c.30 (C.45:22A-43 et seq.).  
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:  
8

9 1. a. The governing body of a municipality shall not adopt or  
10 enforce any ordinance or resolution, as appropriate, limiting or  
11 prohibiting the display of the flag of the United States of America, nor  
12 shall any bond or permit fee be required of a person or organization  
13 for displaying the flag, except as provided for in subsection b. of this  
14 section.

15 b. A municipality may direct removal of an American flag where  
16 the flag is displayed in a manner that threatens public safety or the flag  
17 is displayed in a manner inconsistent with the rules and customs  
18 deemed the proper manner to display the flag, such as the federal Flag  
19 Code, 4 U.S.C. §§1 et seq., or any other applicable law or guideline.

20 c. Any ordinance or resolution adopted by the governing body of  
21 a municipality in violation of subsection a. of this section shall be null  
22 and void.  
23

24 2. A homeowners' association formed to manage the elements of  
25 property owned in common by all members of a community, whether  
26 it be an association managing a condominium, a private community,  
27 including retirement communities, or a cooperative housing  
28 development, shall not adopt a rule or bylaw which, if such rule or  
29 bylaw were to be adopted by a municipality, would violate State law.  
30 Any such rule or bylaw adopted by a homeowners' association in  
31 violation of this section shall be null and void.  
32

33 3. This act shall take effect immediately.  
34  
35

36 **STATEMENT**  
37

38 This bill prohibits municipalities from adopting ordinances or  
39 resolutions which would limit or prohibit the display of the flag of the  
40 United States of America. The bill also prohibits a municipality from  
41 requiring a bond or permit fee of a person or organization for  
42 displaying the flag. The bill would permits the municipal removal of  
43 a flag when the flag is displayed in a manner that threatens public  
44 safety or the flag is displayed in a manner inconsistent with the rules  
45 and customs deemed the proper manner to display the flag, such as the  
46 federal Flag Code, 4 U.S.C. §§1 et seq., or any other applicable law

**S2360 PALAIA, INVERSO**

1 or guideline. Municipal ordinances or resolutions adopted by the  
2 governing body of a municipality in violation of the bill would be  
3 considered null and void.

4 The bill also supplements the law regulating homeowners'  
5 associations which manage commonly-owned property in  
6 condominiums, cooperatives, and other planned real estate  
7 developements. This form of real estate ownership is very popular in  
8 New Jersey, with close to a million people living under the governance  
9 of various homeowners' associations. The bill provides that a  
10 homeowners' association rule or bylaw cannot be maintained if such a  
11 rule is not permitted to be adopted by a municipality under State law.  
12 Therefore, a homeowners' association would not be permitted to limit  
13 or prohibit the display of the American flag, or adopt other rules that  
14 municipalities are not permitted to adopt.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 2360**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 8, 2003

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 2360.

As amended by the committee this bill would prohibit municipal governing bodies from adopting and enforcing ordinances or resolutions which would require a bond or permit fee from a person or organization for displaying the flag of the United States of America. The bill would permit a municipal governing body to direct the removal of a flag when the flag is displayed in a manner that threatens public safety or the flag is displayed in a manner inconsistent with the rules and customs deemed the proper manner to display the flag, such as the federal Flag Code, 4 U.S.C. §§1 et seq., or any other applicable law or guideline. Municipal ordinances or resolutions adopted by the governing body of a municipality in violation of the bill would be considered null and void.

Additionally, as amended by the committee, the bill would allow a unit owner within a common interest community to display an American flag, but would allow the common interest community to impose reasonable restrictions regarding the size, location and manner of display but not to otherwise restrict the display.

The committee amended the bill to delete provisions that would have prohibited municipalities from limiting or prohibiting the display of the American flag. The committee amendments also deleted language that would have prohibited homeowners' associations formed to manage the elements of property owned in common by all members of a common interest community from adopting a rule or bylaw which, if such rule or bylaw were to be adopted by a municipality, would violate State law and replaced that language with a provision limiting the ability of a common interest community to restrict display of the American flag.



STATEMENT TO  
[First Reprint]  
**SENATE, No. 2360**

with Senate Floor Amendments  
(Proposed By Senator Palaia)

ADOPTED: MAY 19, 2003

These floor amendments restore the prohibition in the bill against municipal ordinances prohibiting or limiting the display of the American flag, as well as other patriotic displays. The bill provides conditions which would permit removal of an American flag display or other patriotic display by a municipality, specifically when the display threatens public safety, restricts necessary maintenance activities or interferes with the property rights of another. Section 2 of the bill is reworded to permit removal of a flag or other patriotic display by a homeowner's association under the same conditions as a municipality, namely when the display threatens public safety, restricts necessary maintenance activities, interferes with the property rights of another, or is conducted in a manner inconsistent with the rules and customs deemed the proper manner to display the flag, such as the federal Flag Code, 4 U.S.C. §§1 et seq., or any other applicable law or guideline.

# ASSEMBLY, No. 3269

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 3, 2003

**Sponsored by:**

**Assemblyman UPENDRA J. CHIVUKULA**

**District 17 (Middlesex and Somerset)**

**Assemblyman JOSEPH V. EGAN**

**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Prohibits local laws or ordinances from limiting the display of the American flag.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning public display of the American flag and  
2 supplementing Title 40 of the Revised Statutes and P.L.1993, c.30  
3 (C.45:22A-43 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. The governing body of a municipality shall not adopt or  
9 enforce any ordinance or resolution, as appropriate, limiting or  
10 prohibiting the display of the flag of the United States of America, nor  
11 shall any bond or permit fee be required of a person or organization  
12 for displaying the flag, except as provided for in subsection b. of this  
13 section.

14 b. A municipality may direct removal of an American flag where  
15 the flag is displayed in a manner that threatens public safety or the flag  
16 is displayed in a manner inconsistent with the rules and customs  
17 deemed the proper manner to display the flag, such as the federal Flag  
18 Code, 4 U.S.C. §§1 et seq., or any other applicable law or guideline.

19 c. Any ordinance or resolution adopted by the governing body of  
20 a municipality in violation of subsection a. of this section shall be null  
21 and void.  
22

23 2. A homeowners' association formed to manage the elements of  
24 property owned in common by all members of a community, whether  
25 it be an association managing a condominium, a private community,  
26 including retirement communities, or a cooperative housing  
27 development, shall not adopt a rule or bylaw which, if such rule or  
28 bylaw were to be adopted by a municipality, would violate State law.  
29 Any such rule or bylaw adopted by a homeowners' association in  
30 violation of this section shall be null and void.  
31

32 3. This act shall take effect immediately.  
33  
34

35 STATEMENT  
36

37 This bill prohibits municipalities from adopting ordinances or  
38 resolutions which would limit or prohibit the display of the flag of the  
39 United States of America. The bill also prohibits a municipality from  
40 requiring a bond or permit fee of a person or organization for  
41 displaying the flag. The bill would permits the municipal removal of  
42 a flag when the flag is displayed in a manner that threatens public  
43 safety or the flag is displayed in a manner inconsistent with the rules  
44 and customs deemed the proper manner to display the flag, such as the  
45 federal Flag Code, 4 U.S.C. §§1 et seq., or any other applicable law  
46 or guideline. Municipal ordinances or resolutions adopted by the

1 governing body of a municipality in violation of the bill would be  
2 considered null and void.

3 The bill also supplements the law regulating homeowners'  
4 associations which manage commonly-owned property in  
5 condominiums, cooperatives, and other planned real estate  
6 developements. This form of real estate ownership is very popular in  
7 New Jersey, with close to a million people living under the governance  
8 of various homeowners' associations. The bill provides that a  
9 homeowners' association rule or bylaw cannot be maintained if such a  
10 rule is not permitted to be adopted by a municipality under State law.  
11 Therefore, a homeowners' association would not be permitted to limit  
12 or prohibit the display of the American flag, or adopt other rules that  
13 municipalities are not permitted to adopt.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3269**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 27, 2003

The Assembly Housing and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 3269.

This bill prohibits municipalities from adopting ordinances or resolutions which would limit or prohibit the display of the flag of the United States of America. The bill also prohibits a municipality from requiring a bond or permit fee of a person or organization for displaying the flag. The bill would permit the municipal removal of a flag when the flag is displayed in a manner that threatens public safety or the flag is displayed in a manner inconsistent with the rules and customs deemed the proper manner to display the flag, such as the federal Flag Code, 4 U.S.C. §§1 et seq., or any other applicable law or guideline. Municipal ordinances or resolutions adopted by the governing body of a municipality in violation of the bill would be considered null and void.

The bill also supplements the law regulating homeowners' associations which manage commonly owned property in condominiums, cooperatives, and other planned real estate developments. This form of real estate ownership is very popular in New Jersey, with close to a million people living under the governance of various homeowners' associations. The bill provides that a homeowners' association rule or bylaw cannot be maintained if such a rule is not permitted to be adopted by a municipality under State law. Therefore, a homeowners' association would not be permitted to limit or prohibit the display of the American flag, or adopt other rules or bylaws that municipalities are not permitted to adopt.

COMMITTEE AMENDMENTS

The committee amended the title of the bill, and replaced the synopsis, to make it clear that the bill affects homeowners' associations.

# STATEMENT TO

[First Reprint]

## **ASSEMBLY, No. 3269**

with Assembly Floor Amendments  
(Proposed By Assemblyman GUEAR)

ADOPTED: MAY 15, 2003

These floor amendments add additional conditions which would permit removal of an American flag display by a municipality, specifically where the display restricts necessary maintenance activities or interferes with the property rights of another. Section 2 of the bill is reworded to limit the bill's effect on homeowners' association rules to those rules and bylaws pertaining to flag and other patriotic displays, and permits removal of a flag or other patriotic display by an association under the same conditions as a municipality, namely when the display threatens public safety, restricts necessary maintenance activities, interferes with the property rights of another, or is conducted in a manner inconsistent with the rules and customs deemed the proper manner to display the flag, such as the federal Flag Code, 4 U.S.C. §§1 et seq., or any other applicable law or guideline.