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HOUSE BILL 2934

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Wallace, Clements, Jarrett, Sump, Orcutt, Darneille, Moeller, Hudgins, Hunt, Boldt, Morrell, Campbell, Sullivan, Linville, Condotta, Newhouse, Shabro and Kenney

Read first time 01/23/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to ensuring that members of homeowners'  
2 associations may display the flag of the United States on their  
3 properties; and adding a new section to chapter 64.38 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 64.38 RCW  
6 to read as follows:

7 (1) The governing documents may not prohibit the outdoor display of  
8 the flag of the United States by an owner or resident on the owner's or  
9 resident's property if the flag is displayed in a manner consistent  
10 with federal flag display law, 4 U.S.C. Sec. 1 et seq. The governing  
11 documents may include reasonable rules and regulations, consistent with  
12 4 U.S.C. Sec. 1 et seq., regarding the placement and manner of display  
13 of the flag of the United States.

14 (2) The governing documents may not prohibit the installation of a  
15 flagpole for the display of the flag of the United States. The  
16 governing documents may include reasonable rules and regulations  
17 regarding the location and the size of the flagpole.

18 (3) For purposes of this section, "flag of the United States" means  
19 the flag of the United States as defined in federal flag display law,

1 4 U.S.C. Sec. 1 et seq., that is made of fabric, cloth, or paper and  
2 that is displayed from a staff or flagpole or in a window. For  
3 purposes of this section, "flag of the United States" does not mean a  
4 flag depiction or emblem made of lights, paint, roofing, siding, paving  
5 materials, flora, or balloons, or of any similar building, landscaping,  
6 or decorative component.

7 (4) The provisions of this section shall be construed to apply  
8 retroactively to any governing documents in effect on the effective  
9 date of this section. Any provision in a governing document in effect  
10 on the effective date of this section that is inconsistent with this  
11 section shall be void and unenforceable.

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