

HOUSE No. 3985

The Commonwealth of Massachusetts

PRESENTED BY:

David K. Muradian, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the display of the flag of the United States by condominium unit owners.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------------|-----------------------|-------------------|
| <i>David K. Muradian, Jr.</i> | <i>9th Worcester</i> | <i>8/10/2017</i> |
| <i>Keiko M. Orrall</i> | <i>12th Bristol</i> | <i>10/30/2017</i> |
| <i>Elizabeth A. Poirier</i> | <i>14th Bristol</i> | <i>10/30/2017</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>10/30/2017</i> |
| <i>Donald H. Wong</i> | <i>9th Essex</i> | <i>8/15/2017</i> |
| <i>William L. Crocker, Jr.</i> | <i>2nd Barnstable</i> | <i>8/14/2017</i> |
| <i>Bradford R. Hill</i> | <i>4th Essex</i> | <i>8/11/2017</i> |
| <i>Marc T. Lombardo</i> | <i>22nd Middlesex</i> | <i>8/11/2017</i> |
| <i>Mathew Muratore</i> | <i>1st Plymouth</i> | <i>8/15/2017</i> |
| <i>Hannah Kane</i> | <i>11th Worcester</i> | <i>8/11/2017</i> |
| <i>David F. DeCoste</i> | <i>5th Plymouth</i> | <i>8/14/2017</i> |
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> | <i>8/14/2017</i> |
| <i>Randy Hunt</i> | <i>5th Barnstable</i> | <i>8/14/2017</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | <i>8/14/2017</i> |
| <i>Joseph D. McKenna</i> | <i>18th Worcester</i> | <i>10/30/2017</i> |
| <i>Carmine L. Gentile</i> | <i>13th Middlesex</i> | <i>8/15/2017</i> |
| <i>Bradley H. Jones, Jr.</i> | <i>20th Middlesex</i> | <i>8/15/2017</i> |
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> | <i>10/30/2017</i> |

| | | |
|----------------------------------|-----------------------|-------------------|
| <i>David T. Vieira</i> | <i>3rd Barnstable</i> | <i>8/15/2017</i> |
| <i>Angelo L. D'Emilia</i> | <i>8th Plymouth</i> | <i>10/30/2017</i> |
| <i>Patricia A. Haddad</i> | <i>5th Bristol</i> | <i>8/15/2017</i> |
| <i>Jonathan D. Zlotnik</i> | <i>2nd Worcester</i> | <i>10/30/2017</i> |
| <i>Brian Murray</i> | <i>10th Worcester</i> | <i>10/30/2017</i> |
| <i>Donald R. Berthiaume, Jr.</i> | <i>5th Worcester</i> | <i>8/16/2017</i> |
| <i>James J. Dwyer</i> | <i>30th Middlesex</i> | <i>10/30/2017</i> |
| <i>Linda Dean Campbell</i> | <i>15th Essex</i> | <i>10/30/2017</i> |
| <i>Kate D. Campanale</i> | <i>17th Worcester</i> | <i>10/30/2017</i> |
| <i>Joseph W. McGonagle, Jr.</i> | <i>28th Middlesex</i> | <i>10/30/2017</i> |
| <i>James M. Kelcourse</i> | <i>1st Essex</i> | <i>10/30/2017</i> |
| <i>Todd M. Smola</i> | <i>1st Hampden</i> | <i>10/30/2017</i> |
| <i>Susannah M. Whipps</i> | <i>2nd Franklin</i> | <i>10/30/2017</i> |

HOUSE No. 3985

By Mr. Muradian of Grafton, a petition (subject to Joint Rule 12) of David K. Muradian, Jr. and others relative to the display of the flag of the United States by certain condominium owners. Housing.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the display of the flag of the United States by condominium unit owners.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 183A of the General Laws is hereby amended by adding the following section:-

2 Section 24. (a) For the purposes of this section, the term `flag of the United States' has the
3 meaning given the term `flag, standard, colors, or ensign' under section 3 of title 4 of the United
4 States Code.

5 (b) No corporation, trust or unincorporated association provided for in the master deed
6 for the management and regulation of a condominium shall prohibit a unit owner from: (i) flying
7 or displaying the flag of the United States on a flagpole, base or stand affixed to the unit in a
8 limited common area where the unit owner has a right of exclusive possession or use; or from (ii)
9 displaying an official flag of the United States Armed Forces or a Prisoner of War/Missing in
10 Action flag in a window of the unit; provided, that any such flag shall be no larger than 4.5 feet
11 by 6 feet in size; provided, further, that the display or use is not inconsistent with any provision
12 of chapter 1 of title 4 of the United States Code, or any rule or custom pertaining to the proper

13 display or use of the flag of the United States; and provided, further, that such flag does not
14 obstruct the sightlines of other unit owners and is not erected within or upon an easement
15 restricting or prohibiting such erection and display of the flag.

16 (c) No corporation, trust or unincorporated association provided for in the master deed for
17 the management and regulation of a condominium shall enter into an agreement with a unit
18 owner that would restrict or impair their right to display the flag of the United States or of the
19 United States Armed Forces, or Prisoner of War/Missing in Action pursuant to this section.