

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 266

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FLAGS; AMENDING SECTION 55-3210, IDAHO CODE, TO PROVIDE THAT HOMEOWNER'S ASSOCIATIONS MAY TAKE NO ACTION THAT PROHIBITS OR HAS THE EFFECT OF PROHIBITING THE DISPLAY OF THIN BLUE LINE FLAGS AND THIN RED LINE FLAGS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 55-3210, Idaho Code, be, and the same is hereby amended to read as follows:

55-3210. FLAGS. (1) No homeowner's association may add, amend, or enforce any covenant, condition, or restriction in such a way that prohibits or has the effect of prohibiting the display of:

(a) The flag of the United States of America;

(b) The flag of the state of Idaho;

(c) The POW/MIA flag; ~~or~~

(d) An official or replica flag of any branch of the United States armed forces; ~~or~~

(e) A thin blue line flag or a thin red line flag.

(2) A homeowner's association may adopt reasonable rules, subject to applicable laws or ordinances:

(a) That require:

(i) The flag of the United States of America and the flag of the state of Idaho to be displayed in accordance with 4 U.S.C. 5 et seq.;

(ii) A flagpole attached to a dwelling or a freestanding flagpole to be constructed of permanent, long-lasting materials with a finish appropriate to the materials used in the construction of the flagpole and harmonious to the dwelling;

(iii) The display of a flag, or the location and construction of the supporting flagpole, to comply with applicable zoning ordinances, easements, and setbacks of record; and

(iv) That a displayed flag and the flagpole on which it is flown be maintained in good condition and that any deteriorated flag or deteriorated or structurally unsafe flagpole be repaired, replaced, or removed;

(b) That regulate the size, number, and location of flagpoles on which flags are displayed, except that the regulation may not prevent the installation or erection of at least one (1) flagpole per property that:

(i) Is not more than twenty (20) feet in height and, subject to applicable zoning ordinances, easements, and setbacks of record, is located in the front yard of the property; or

(ii) Is attached to any portion of a residential structure owned by the member and not maintained by the homeowner's association;

- 1 (c) That govern the size of a displayed flag;
2 (d) That regulate the size, location, and intensity of any lights used
3 to illuminate a displayed flag;
4 (e) That impose reasonable restrictions to abate noise caused by an ex-
5 ternal halyard of a flagpole; or
6 (f) That prohibit a member from locating a displayed flag or flagpole on
7 property that is:
8 (i) A common area, including a limited common area;
9 (ii) Owned or maintained by the homeowner's association; or
10 (iii) Owned in common by the members of the association.
11 (3) A member who has a front yard and who otherwise complies with any
12 permitted homeowner's association regulation may elect to install a flag-
13 pole in accordance with subsection (2) (b) of this section.
14 (4) A homeowner's association may not remove a flag permitted by sub-
15 section (1) of this section from the property of a member or impose any fine
16 or penalty upon the member unless it has first provided the member three (3)
17 days' written notice that specifically identifies the rule and the nature of
18 the violation.

19 SECTION 2. An emergency existing therefor, which emergency is hereby
20 declared to exist, this act shall be in full force and effect on and after
21 July 1, 2023.