



State of Tennessee

PUBLIC CHAPTER NO. 331

SENATE BILL NO. 469

By Niceley, Bowling, Haile

Substituted for: House Bill No. 456

By Littleton, Holsclaw, Ragan, Daniel, Goins, Hulsey, Van Huss, Jernigan, Lamberth, Curcio, Byrd, Moody, Mark White, Kumar

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7 and Title 66, relative to the display of flags by property owners.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 27, is amended by adding the following language as a new part:

66-27-601. As used in this part:

(1) "Dedicatory instrument":

(A) Means each document governing the establishment, maintenance, or operation of a residential subdivision, planned unit development, condominium, horizontal property regime, or any similar planned development; and

(B) Includes a declaration or similar instrument subjecting real property to:

(i) Restrictive covenants, bylaws, or similar instruments governing the administration or operation of a homeowners' association;

(ii) Properly adopted rules and regulations of a homeowners' association; or

(iii) All lawful amendments to the covenants, bylaws, instruments, rules, or regulations of a homeowners' association;

(2) "Homeowners' association" means an incorporated or unincorporated association owned by or whose members consist primarily of the owners of the property covered by the dedicatory instrument and through which the owners, or the board of directors or similar governing body, manage or regulate the residential subdivision, planned unit development, condominium, horizontal property regime, or any similar planned development; and

(3) "Restrictive covenant" means any covenant, condition, or restriction contained in a dedicatory instrument, whether mandatory, prohibitive, permissive, or administrative.

66-27-602.

(a) Except as provided in subsection (b), no homeowners' association shall adopt or enforce a dedicatory instrument provision that prohibits, or has the effect of prohibiting, a property owner from displaying the flag of the United States of America or an official or replica flag of any branch of the United States armed forces, on the property owner's property.

(b) A homeowners' association may adopt or enforce reasonable rules and regulations regarding the placement and manner for the display of the flag of the United States of America or an official or replica flag of any branch of the United States armed forces.

(c) The property owner must display the flag of the United States of America in accordance with 4 U.S.C. §§ 5-10.

66-27-603.

This part shall apply to dedicatory instruments:

- (1) Created on or after the effective date of this act; or
- (2) Amended on or after the effective date of this act.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.


SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.

SENATE BILL NO. 469

PASSED: May 1, 2017



RANDY McNALLY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 9th day of May 2017



BILL HASLAM, GOVERNOR