



HOUSE

RULES

The House Rules apply to all and help ensure an attractive and safe community.

Table Of Contents

I.	SAFETY, SECURITY, PRIVACY, QUIET ENJOYMENT, & APPEARANCE	2-6
II.	MAINTENANCE PAYMENTS AND KEYS	6
III.	VEHICLES AND PARKING	6-9
IV.	MAINTENANCE AND REPAIRS	9-10

V.	ALTERATIONS AND RENOVATIONS	11-12
VI.	STAFF OFF-HOUR WORK	12
VII.	GARBAGE	12-13
VIII.	DELIVERIES	13
IX.	TRANSFERS, SUBLETS, DOWN PAYMENTS & REFINANCING	13-15
X.	PETS	15-16
XI.	STORAGE AND BICYCLES	16-17
XII.	MOVING	17
XIII.	COMMON GARDEN AREAS, BALCONY AND PATIO RULES	17-18
XIV.	AMENDMENTS	19
XV.	FREEDOM TO DISPLAY THE AMERICAN FLAG ACT OF 2005	END

HOUSE RULES

Reference to "Shareholder(s)" used herein includes shareholders, residents, tenants, subtenants, guests, and staff members. Any violation of these House Rules constitutes a default under the Proprietary Lease and/or may subject the violator to monetary penalties.

I. SAFETY, SECURITY, PRIVACY, QUIET ENJOYMENT, & APPEARANCE

- Shareholders are required to respect the rights of other shareholders. No shareholder shall make or permit disturbing noises in the buildings or common areas or do or permit anything to be done, which interferes with the rights, comfort, or convenience of other shareholders, including, but not limited to:

- a. No construction, repair work, or other installation involving noise shall be conducted in any unit except on weekdays (not including legal holidays) and only between 8:00 am and 5:00 pm.
 - b. No shareholder shall operate or use any musical instrument or permit to be operated an electronic device including but not limited to phonographs, radio, televisions, CD players, or loudspeakers, in a manner disturbing to other shareholders.
 - c. No exercise machines that cause noise or vibration to the adjoined units are permitted. However, exercise machines are permissible only in the basements of Townhouses.
 - a. if the shareholder violates the above rules a warning will be issued. If the same shareholder continues to violate the above rules a fine of \$200 will be imposed on their maintenance invoice monthly and will increase by \$100 per offense thereafter occurring in a 12-month period.
- 2. Every effort must be made to keep smoke from cigarettes, cigars, and pipes, from permeating into neighboring units.
 - 3. It is forbidden to prop open outside doors leading directly or indirectly to the laundry rooms. Smoking or vaping in or within 50 feet of the common laundry rooms is prohibited. The fine after a warning for each offense will be \$300.
 - 4. Using the laundry room sinks and trash receptacles for any reason not related to laundry will result in a \$1,000 fine.
 - 5. Using the laundry room washers or dryers to wash or dry pet beds of any kind, oversized comforters, entry mats, carpets, etc., is forbidden and will result in a \$1,000 fine.
 - 6. Using the laundry rooms after posted hours or for commercial use will result in a warning and then a \$100 fine per violation thereafter.
 - 7. The floors of each unit must be covered with rugs or carpeting to a minimum of 80% of the floor surface of each room, except for kitchens, pantries, bathrooms, and closets (stairways and hallways are NOT exempt). All rugs and carpeting must have padding that:

- a. meets or exceeds the standard of 40 oz. synthetic fiber cushion and,
 - b. meets minimal thickness of 3/8th of an inch and,
 - c. meets or exceeds FHA-HUD flammability requirements.
8. Units must have working smoke detectors and carbon monoxide detectors. It is the responsibility of the shareholder to comply with local and state laws as to proper placement of the detectors.
- a. An annual inspection will take place to make sure all equipment is installed and in working order. Shareholders will have 30 days from notice of inspection to comply or incur an \$500 fine per month not in compliance.
9. The board discourages using attics as storage space (or for any other purposes). No flammable, combustible, nor toxic items may be stored in the attics of units or townhouses.
10. If storing items in your crawl space (different from attics, mostly found in townhouses), make sure they are properly secured and stored as to prevent a possible disaster.
11. The common walkways and outside steps and stoops of the buildings shall not be obstructed or used for any purpose other than for entry to and exit from the units in the buildings.
12. No bicycles, mopeds, motorcycles, scooters, strollers, baby carriages, or other wheeled items shall obstruct common passageways and driveways.
13. No vehicle belonging to a shareholder, his/her family member, guest, subtenant, licensee, or employee, shall be parked in such a manner as to impede or prevent access to any entrance of the buildings by other vehicles.
14. Children shall not play on any driveways, parking lots, or roadways within the community.
15. Skating, rollerblading, and scooters are not permitted on the driveway or common areas.
16. Decks, patios, stoops, walkways, exterior walls, gardens, and lawns must maintain a neat appearance; they are not to be used as storage areas

(to store boxes or loose items). Shareholders may not wrap their decks, units, townhouses, or trees with tinfoil for any reason.

17. Holiday decorations may be used but must be taken down within 14 days of holiday. TOH House Rules comply with the "Freedom to Display the American Flag Act of 2005," which can be found at the end of this document, as such:
 - a. American Flags may be flown year-round but must be close to 14" x 14" in size and cannot obstruct walkways or unit entrances.
 - b. If you fly an oversized American flag for holidays such as, Memorial Day, 4th of July, Veteran's Day, etc., it must be taken down within 7 days of said holiday.
 - c. If you fly the American Flag at night, it must be illuminated.
18. No auction, garage, nor tag sales allowed on Cooperative property ever.
19. No article of clothing, linen, or rugs shall be hung or shaken from the doors, windows or railings or placed upon the windowsills or ledges of the buildings. No clotheslines or drying racks are permitted outside the unit (make sure your cleaning staff abide).
20. Nothing shall be permitted to project out of any window of any building including but not limited to, window air-conditioning units or ventilators; awnings are not permitted.
21. No signs, statues, notices, or advertisements shall be displayed on or affixed to any exterior part of any building including but not limited to windows.
22. No radio, television aerial, or satellite dish shall be attached to or hung from the exterior of the building without written approval of the Board. Satellite dishes may be installed after submission of an executed and approved Hold Harmless Agreement, along with any necessary permits required by the Town of Oyster Bay.
23. All water apparatuses in the buildings shall be used only for the purposes for which they were constructed. Sweepings, rubbish, rags, or any other inappropriate article shall NOT be thrown into the toilet bowls. If

damage occurs, the Shareholder in whose unit the damage originates shall pay for the needed repairs in the unit of origin and all other affected units.

24. No clothes washer and/or dryer is/are permitted in any unit except for townhouses; the Board, at its discretion reserves the right to require removal of any existing machines.
25. Ring Doorbell cameras and comparable models are allowed so long as the shareholder obtains Board approval before installing, the Superintendent inspects and approves the installation, and said device is only recording when a doorbell is rung or triggered by nearby motion, (not constant surveillance). Should the Shareholder fail to comply with any of these requirements, they will be fined \$200 without warning.
 - a. Unless otherwise stated, if the shareholder violates the above rules a warning will be issued. If the same shareholder continues to violate the above rules a fine of \$100 will be imposed on their maintenance invoice monthly per each offense thereafter.

II. MAINTENANCE PAYMENTS AND KEYS

1. Maintenance payments received after the 10th of the month will incur a late charge of \$75 per month, without warning.
2. Special assessment payments received after the 15th of the month will incur a late charge of \$100 per month, without warning.
 - a. As per items 1 and 2, the Board reserves the right to charge the maximum legally permitted rate of compound interest on arrears, should it exceed the standard penalty.
3. A current set of unit keys for all doors, including storm doors, is required to be kept with the superintendent in the event of an emergency.

III. VEHICLES AND PARKING

1. One car per licensed driver per cooperative unit is allowed with a maximum of two cars per unit. The vehicle/vehicles must be registered in the name(s)

of the approved shareholders or tenants of such apartment at a Top of the Harbour address:

- a. All shareholders and tenants must supply to the Managing Agent a current copy of their car registration for each vehicle. Upon receipt of a parking sticker from the Managing Agent, the shareholder or tenant must affix the parking sticker to their vehicle:
 - i. It is the shareholder/tenant's responsibility to move their vehicle(s) from the parking lot for various reasons: snow, construction, etc. Failure to do so will result in said vehicle(s) being towed at the shareholder's expense (along with any other associated costs) and a \$200 fine.
 - ii. Motorcycles may not be substituted for a car.
 - iii. Shareholders and/or tenants may NOT park an oversized or commercial vehicle in the cooperative property.
 - iv. If a shareholder or tenant needs an additional or temporary sticker, not provided for in this rule, the shareholder or tenant must write a letter to the Board of Directors describing the reasons for the additional sticker. Incorporated into this letter must be a copy of the current registration, the time during which this additional or temporary sticker is needed, and the name and relationship of the registrant to the shareholder or tenant.
- b. If a shareholder or tenant has extenuating circumstances requiring an exemption to this rule, that person must write a letter to the Board of Directors describing the circumstances and explaining what relief is requested.
- c. The Superintendent will place warning stickers on any vehicle that has been in violation of this policy for three (3) consecutive days. The maintenance superintendent will notify the Managing Agent in writing of all vehicles that have been in violation for seven (7) consecutive days. The Managing Agent will then notify the shareholder or tenant in writing that he or she is being fined at a rate of \$50.00 per day. If the violation exists for fifteen (15) consecutive days, the vehicle will be subject to removal (towing and storage) at the owner's expense. The

Managing Agent must receive an appeal in writing within thirty (30) days from the first day of violation.

- d. Each shareholder shall be issued two laminated visitor parking passes to be used when guests will be parking overnight on the premises. Visitor parking passes must be displayed from the rear-view mirror of a guest's vehicle with the permit number facing front toward the windshield.

Visitor parking rules apply as follows:

- i. When a shareholder will have a guest parking on the premises overnight for up to three (3) consecutive nights within a one-week period the only action required is to display the visitor parking pass in the guest's vehicle.
 - ii. When a shareholder will have a guest parking on the premises for more than three (3) consecutive nights within a one-week period, then, in addition to displaying the visitor parking pass in the guest's vehicle, the shareholder must also notify the Management office to register the guest for an extended stay. Management must be provided with the guest's name, vehicle make and model, license plate number, and length of stay.
 - iii. Guest vehicles parked in violation of these rules are subject to towing at the expense of the Shareholder hosting the guest. The Shareholder is further subject to fines.
2. Shareholders who apply for handicapped parking must submit to the Managing Agent proof of status and display an un-expired handicap plate/sticker/hang tag while parked in a handicapped space. There are NO assigned handicapped spaces. The designated space is subject to the Board of Directors approval and the number of handicap spaces will be based on local ordinances.
 3. Shareholders vehicles must be parked within the parking space lines.
 4. Shareholder's cars leaking oil, antifreeze, or brake fluid that damage driveways and streets will be fined if the problem is not resolved in a timely manner. Any damage to the cooperative property will be charged to the shareholder.
 5. Any shareholder parking their vehicle or guest's vehicle in a spot or way that blocks access to any dumpster, (as indicated by parking sign) and

preventing sanitation from picking up the dumpster or not, should note that per offense:

- a. Each time the offense occurs TOH will attempt to have the vehicle towed and regardless of a successful tow or not the unit in violation will pay the expense.
- b. Each time the offense occurs TOH will have sanitation come back the next day to pick up the dumpster and the unit in violation will pay the expense.
 - i. Unless otherwise stated, if the shareholder violates the above rules a warning will be issued. If the same shareholder continues to violate the above rules a fine of \$100 will be imposed on their maintenance invoice monthly per offense.

IV. MAINTENANCE AND REPAIRS

1. Lessor's agents and any contractor or workman authorized by the Lessor may enter any unit at any reasonable hour of the day to correct or control an emergency.
2. Lessor's agents or any contractor or workman authorized by the Lessor may enter any unit at any reasonable hour of the day for the purpose of inspecting such unit for any vermin, insects, or other pests and for the purpose of taking such measures to control or exterminate any such vermin, insects, or other pests.
3. Shareholder complaints regarding maintenance and/or service of the buildings shall be made in writing to the Managing Agent of the Lessor.
4. A Work Order must be completed to have repairs made in a unit by the building staff. Work Orders must be placed through the Managing Office.
5. If a unit needs repair, it will be determined by the Board of Directors if the repair will be the responsibility of the Corporation or the Shareholder responsible for the needed repair in compliance with the proprietary lease:
 - a. If the repair is the responsibility of the Shareholder, it is recommended that unless it is an emergency, a written estimate of a licensed and

insured contractor of the shareholder's choice be requested. Repairs must be completed within a time determined by the Board of Directors.

b. If it is an emergency, the cost of parts and labor for repairs performed by staff members or outside contractors hired by the Corporation will be billed on the Shareholder's monthly maintenance bill.

6. Storm doors are required for every unit. It is the responsibility of the Shareholder to install and maintain a storm door in both the front and rear (if applicable) of their unit. The color of the storm doors must be white. Any shareholder that does not comply with this house rule will be given a written warning and will have 30 days from said notice to install the storm door. If after 30 days, the shareholder continues to violate this house rule, the shareholder will be fined \$100 for every month that he/she fails to install a storm door.
7. Plumbing and electricity within the unit are the responsibility of the Shareholder. Plumbing behind the sheet rock is the responsibility of the corporation except for the pipe behind the wall that leads to the shower head (the "shower body").
8. If a unit/townhouse will be vacant for at least 30 days the shareholder must notify the Management Agent of the dates so that a monthly inspection can take place: checking for leaks, insects, heater functionality, etc. Inspections will likely take place during scheduled exterminator visits, if you have opted out of exterminator visits, inspections will still be done. If you have someone who will check on your home, we will try to work with their schedule to complete the inspection. For accountability purposes our Superintendent, assistant, and a board member will accompany the inspections.
 - a. If a shareholder violates this rule, a fine of \$500 will be added to their monthly invoice.

V. ALTERATIONS AND RENOVATIONS

1. Construction, installation, repair work, and painting are allowed during weekdays between 8:00 am and 5:00 pm, except holidays. A list of building holidays is available in the Management Office.
2. Exterior and interior improvements are subject to the Board of Directors approval, Shareholders seeking approval must:
 - a. Submit to the Managing Agent in writing:
 - i. contractor's name, license, certificates of insurance, and
 - ii. sketches, blueprints, and all materials to be used
 - b. Receive conditional approval from Board:
 - i. submit to Managing Agent all necessary and required governmental permits
 - ii. submit proof that any condition imposed by the Board has been fulfilled
 - c. In addition to the above, if requested by the Board, the shareholder must submit a fully executed indemnification/hold harmless agreement prior to receiving final Board approval.
 - d. Receive final Board approval prior to commencement of any work.
3. Shareholders who plan to stain, seal or polish hardwood floors or who are painting interior walls must select the least noxious agent available:
 - a. The Shareholder must determine from a licensed and insured contractor, the optimal weather and ventilation conditions for the type of work being done relative to health factors and schedule the work accordingly.
 - b. All neighbors must be contacted in writing and informed of the date and time of the scheduled work.
 - c. The Shareholder must notify the Managing Agent of the type of work being performed, the date, the time, and provide written confirmation of compliance with items a and b above.
 - d. Shareholders may not install or use ceramic floor tile for their outdoor patio.
 - e. If the shareholder violates the above rules a warning will be issued. If the same shareholder continues to violate the above rules a fine of \$2,500 will be imposed on their maintenance invoice monthly per each

offense thereafter and any unauthorized work may need to be undone at the unit owner's expense.

VI. STAFF OFF-HOUR WORK

1. Staff members are not permitted to conduct private business during their scheduled working hours.
2. The Corporation is not responsible for the quality of the work or any damage that might be caused by staff members when hired privately during their off hours.

VII. GARBAGE

Care must be taken to properly dispose of garbage, (make sure your cleaning staff abide by the proper garbage and recycling procedures).

1. All garbage and trash must be disposed of in bags and placed into the dumpsters. Lighted matches, cigarettes, or cigars must never be disposed of in the dumpsters. Additionally, automobile oil, cleaning fluid-soaked rags, paint, any flammable, explosive, highly combustible substances, or hazardous items should never be put in the dumpsters.
 - a. Refer to the Town of Oyster Bay or County of Nassau hazardous material disposal guidelines.
2. No garbage or trash may be left overnight on decks, stoops, steps, sidewalks, or grass as this attracts rodents and insects.
3. It is the responsibility of the shareholder to dispose of large items, such as carpet rolls, furniture, or appliances at the Town Dump.
4. All regular trash gets placed in the common dumpsters, including newspapers, paper, and magazines. Cans, plastics, and glass also go into common dumpsters but must first be placed in a separate bag.
5. There are two Cardboard Specific Dumpsters; one on Anchorage Lane, near the office and one on Harbour Lane, next to Building 8. All cardboard: corrugated boxes, cereal boxes, etc., should be placed in the dumpster marked "Cardboard Only".
6. Loose pet waste must be first placed in a proper bag and then placed in dumpster.

7. Contractors are not permitted to use the dumpsters and are required to remove construction debris from the grounds of Top of the Harbour.
8. Shareholders are not permitted to use the dumpsters for commercial trash.
 - a. After a proper warning for improper use of garbage disposal, a \$500 fine will be imposed for violators of the above rules per incident.

VIII. DELIVERIES

1. Deliveries, except food deliveries, must be received between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

IX. TRANSFERS, SUBLETS, DOWN PAYMENTS, AND REFINANCING

A. TRANSFERS

1. An application may be obtained from the Management Office; once completed it must be returned to the Management Office with the appropriate non-refundable fees.
2. An interview of the prospective shareholder is required before final approval is granted.
3. Before a unit is purchased or sold, it must be inspected for a clothing washing and or drying machines, if they exist, said machines and all peripheral parts must be removed (this does not apply to townhouses).

B. SUBLEASING & NEW OCCUPANCY

1. Shareholders must request permission from the Board of Directors to sublet a unit or if a new occupant will be there with some frequency and regularity. Approval is subject to the Board's discretion.
2. Shareholders must have owned a unit for a period of no less than twelve (12) months and cannot have been in arrears for at least the prior twelve (12) months before the Board will grant approval for a sublease:
 - a. Shareholders who sublet a unit will be assessed a yearly sublease fee of fifteen percent (15%) of the annual maintenance charge of that unit payable on the first day of the sublet lease.
 - b. Shareholders must reapply annually to renew a sublease.

- c. Units that are rented/subleased are subject to semi-annual inspections by the TOH maintenance staff.
 - d. Shareholders who sublease a unit or who renew a sublet lease without first obtaining approval of the Board of Directors shall incur a penalty at an additional fee of fifteen percent (15%) of the annual maintenance charge of that unit. Both the fifteen percent (15%) penalty and the fifteen percent annual maintenance (15%) fee shall be retroactive to the first day of residence by a tenant in the unit.
3. An interview of the prospective subtenant is required before final approval.
- a. If in violation, after a warning, shareholders will be fined \$300 after a prescribed deadline stated in the warning letter each month thereafter.
4. Should a shareholder not comply with the above rules or be delinquent in payment, said shareholder's subleasing privileges may be revoked.
- C. DOWN PAYMENTS & REFINANCING
- 1. All unit purchases require a 20% down payment.
 - 2. A refinance application may be obtained from the Management Office. Once completed, the application must be returned to the Management Office with the appropriate non-refundable fees.
 - 3. No more than eighty percent (80%) of the appraised value of any unit may be financed, only recognized institutional lenders will be accepted by the Corporation.

X. PETS

- 1. Pets are not to make any disturbing noises that interfere with the rights and comfort of other Shareholders.
 - a. Any pet that makes continuous disturbing noises, (the Board will determine what frequency counts as "continuous" case by case) that are caught on an unaltered audio recording (video optional) with date and time stamps will count towards a warning on first offense and a \$200 fine for each offense thereafter.

2. No shareholder or occupant may own more than two pets.
3. Pets are not permitted on any common areas of the cooperative property:
 - a. common areas are ALL areas EXCEPT the inside of units and townhouses, and
 - b. shareholders who let pets defecate on common areas will incur a \$50 fine per offense
4. No owners or occupants shall be permitted to have dogs living at the cooperative premises, unless that dog is a Cooperative approved ESA.
5. If a pet and or an Emotional Support Animal (ESA) has been approved, the shareholder must adhere to the rules above and additional requirements below:
 - a. An ESA must be transported to and from the unit or townhouse of the shareholder to his/her car or whatever the destination they choose so long as it is not on the common areas of the cooperative.
 - b. If an ESA is seen on the common areas of the cooperative, a warning will be issued.
 - c. If the shareholder violates the above rule, a fine of \$100 will be imposed on their maintenance invoice and per each offense thereafter.
 - d. ESAs will be reviewed on a case-by-case basis.
 - e. An ESA cannot weigh more than 20lbs.
 - f. An ESA cannot be left in another shareholder's unit or townhouse.
6. Service Dogs will be reviewed and or approved on a case-by-case basis.
7. All other pets must be brought to the boards attention and approved on a case-by-case basis.
8. Cat litter is not to be disposed of via plumbing facilities. Shareholders should take properly contained cat litter and dispose of it in the dumpsters.
9. Feeding birds or any animals from or on the windows, windowsills, balconies, patios, or any common area property is prohibited.
10. Bird feeders may be placed in the natural areas* of the property with the permission of the Board of Directors. Such permission shall be revocable by the Board of Directors.

*Natural areas are the wooded areas around the perimeter of the property and between Harbour Lane and Anchorage Lane.

11. If a pet owner fails to adhere to the above guidelines regarding pets, the Board of Directors may require that the pet be removed from the premises.

XI. STORAGE AND BICYCLES

1. Storage for each unit is confined to a 4 x 5-foot area. Those violating the storage confines shall be fined at \$25 a day after 30 days from having sent certified mail to the shareholder.

- a. Shareholders shall be fined \$300 if the coop must dispose of their stored items.

2. Shareholders that own a Townhouse are not permitted to store any items in the common storage basements; this includes occupants that are renting a Townhouse.
3. The Corporation shall have the right to curtail or relocate any space devoted to storage.
4. All bicycles kept in storage areas must be registered with the Management Office.
5. The storage of e-bikes/scooters, (lithium-ion battery powered vehicles) is prohibited at TOH.

- a. Shareholders shall be fined \$300 if the coop finds any such vehicles/batteries.

XII. MOVING

1. Move in/move out is permitted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.
2. Arrangements for moving in and moving out must be coordinated with the Managing Agent at least three days in advance. Moving companies must be

properly insured and provide evidence of properly endorsed policies naming the Corporation as additional insureds with primary coverage.

3. All refuse generated because of a move must be disposed of properly by the movers and/or Shareholder.

XIII. COMMON GARDEN AREAS, BALCONY AND PATIO RULES

1. No plant material may be removed from any common area.
2. Perennial plants are not permitted in front of buildings. However, with board approval via the landscaping committee, they are permitted in the back of buildings; the shareholder must maintain them and if they multiply and travel into any lawn areas, they must be removed by the shareholder who planted them. In any case if the landscaper has to get involved for any reason related to said perennials, that service will be charged to the shareholder who planted the perennials.
3. There shall be no permanent or temporary obstructions to walkways in the front and back of any unit as there must be clear access for emergencies, maintenance, and landscaping.
4. No permanent or temporary structure or furniture (except for plant holders) may be placed beyond the perimeters of patios and balconies without permission from the Board of Directors.
5. Any use of the common areas of the Corporation is done at the Shareholder's own risk.
6. Noise must be kept to a minimum to respect the rights of Shareholders who are using the space or live adjacent to the common area.
7. Use of the common areas by a group of more than 10 people require prior approval of the Board of Directors. Contact the Managing Agent at least five days prior to make appropriate arrangements; approval does not provide for exclusive use of the space.
8. Only electric BBQs are permitted on top units. Charcoal barbecues are permitted on bottom units but must be a minimum of 10 feet from any building. Lighter fluid usage is not permitted.

9. Propane tanks, chimineas, and fire pits are prohibited.
10. Shareholders may not park in such a way, or by any other means, as to obstruct and or damage the sprinkler heads and water flow found on the common grounds.
11. Unless otherwise stated, if the shareholder violates the above rules a warning will be issued. If the same shareholder continues to violate the above rules a fine of \$100 will be imposed on their maintenance invoice monthly per offense thereafter, in some cases additional expenses will be imposed on the shareholder upon warning.

XIV. AMENDMENTS

1. These House Rules may be added to, amended, or repealed at any time by Resolution of the Board of Directors of 4 Anchorage Lane Owners, Inc.
2. Any consent or approval given under these House Rules by the Lessor may be revoked by the Lessor at will and without prior notice to the Shareholders.

Public Law 109–243
109th Congress

An Act

July 24, 2006
[H.R. 42]

To ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

Freedom to
Display the
American Flag
Act of 2005.
4 USC 5 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Freedom to Display the American Flag Act of 2005”.

4 USC 5 note.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term “flag of the United States” has the meaning given the term “flag, standard, colors, or ensign” under section 3 of title 4, United States Code;

(2) the terms “condominium association” and “cooperative association” have the meanings given such terms under section 604 of Public Law 96–399 (15 U.S.C. 3603);

(3) the term “residential real estate management association” has the meaning given such term under section 528 of the Internal Revenue Code of 1986 (26 U.S.C. 528); and

(4) the term “member”—

(A) as used with respect to a condominium association, means an owner of a condominium unit (as defined under section 604 of Public Law 96–399 (15 U.S.C. 3603)) within such association;

(B) as used with respect to a cooperative association, means a cooperative unit owner (as defined under section 604 of Public Law 96–399 (15 U.S.C. 3603)) within such association; and

(C) as used with respect to a residential real estate management association, means an owner of a residential property within a subdivision, development, or similar area subject to any policy or restriction adopted by such association.

4 USC 5 note.

SEC. 3. RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES.

A condominium association, cooperative association, or residential real estate management association may not adopt or enforce any policy, or enter into any agreement, that would restrict or prevent a member of the association from displaying the flag of the United States on residential property within the association with respect to which such member has a separate ownership interest or a right to exclusive possession or use.

PUBLIC LAW 109–243—JULY 24, 2006

120 STAT. 573

SEC. 4. LIMITATIONS.

4 USC 5 note.

Nothing in this Act shall be considered to permit any display or use that is inconsistent with—

(1) any provision of chapter 1 of title 4, United States Code, or any rule or custom pertaining to the proper display or use of the flag of the United States (as established pursuant to such chapter or any otherwise applicable provision of law); or

(2) any reasonable restriction pertaining to the time, place, or manner of displaying the flag of the United States necessary to protect a substantial interest of the condominium association, cooperative association, or residential real estate management association.

Approved July 24, 2006.

CONGRESSIONAL RECORD, Vol. 152 (2006):
June 27, considered and passed House.
July 17, considered and passed Senate.

○