**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 5243**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Felder

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Introduced in the House on February 19, 2020

Currently residing in the House Committee on **Judiciary**

Summary: Flags; provide homeowner has right to fly SC State Flag

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/19/2020 House Introduced and read first time ([House Journal‑page 11](file:///h:\hj\20200219.docx))

2/19/2020 House Referred to Committee on **Judiciary** ([House Journal‑page 11](file:///h:\hj\20200219.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5243&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/19/2020](file:///p:\pprever\2019-20\5243_20200219.docx)

**A** **BILL**

TO AMEND SECTION 27‑1‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHT OF A HOMEOWNER OR TENANT TO FLY THE FLAG OF THE UNITED STATES OF AMERICA, SO AS TO PROVIDE THAT A HOMEOWNER OR TENANT HAS THE RIGHT TO FLY THE FLAG OF SOUTH CAROLINA.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 27‑1‑60 of the 1976 Code is amended to read:

“Section 27‑1‑60.(A) Regardless of any restrictive covenant, declaration, rule, contractual provision, or other requirement concerning flags or decorations found in a deed, contract, lease, rental agreement, or homeowners’ association document, any homeowner or tenant may display one portable, removable United States flag in a respectful manner, consistent with 36 U.S.C. Sections 171‑178, as amended, and one portable, removable South Carolina state flag on the premises of the property of which he is entitled to use.

(B)(1) No homeowners’ association document may preclude the display of one portable, removable United States flag by homeowners. However, the flag must be displayed in a respectful manner, consistent with 36 U.S.C. Sections 171‑178, as amended.

(2) No restrictive covenant in a deed may preclude the display of one portable, removable United States flag on the property. However, the flag must be displayed in a respectful manner, consistent with 36 U.S.C. Sections 171‑178, as amended.

(3) No rental agreement, lease, or contract may preclude the display of one portable, removable United States flag on the premises of any tenant. However, the flag must be displayed in a respectful manner, consistent with 36 U.S.C. Sections 171‑178, as amended.

(4) No homeowners’ association document or restrictive covenant in a deed may preclude the display of one portable, removable South Carolina state flag by a homeowner. No rental agreement, lease, or contract, may preclude the display of one portable, removable South Carolina state flag on the premises of a tenant.

(C) For purposes of this section:

(1) ‘homeowner’ means a person who holds title to real property, in fee simple or otherwise including, but not limited to, an owner of real property subject to a homeowners’ association, an owner of an interest in a vacation time sharing plan, and a co‑owner under a horizontal property regime;

(2) ‘homeowners’ association’ has the same meaning as provided in Section 12‑43‑230;

(3) ‘homeowners’ association document’ includes, but is not limited to, declarations of covenants, articles of incorporation, bylaws, or any similar document concerning the rights of property owners to use their property; and

(4) ‘tenant’ means any tenant under a rental agreement executed pursuant to Chapter 40, Title 27, any tenant under a rental agreement executed pursuant to Chapter 47, Title 27, any tenant under a vacation time sharing plan, any tenant under a horizontal property regime, and any person who leases commercial or residential real property under a contractual agreement.”

SECTION 2. This act takes effect upon approval by the Governor.

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