



SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1150 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 32-21-13.5 IS ADDED TO THE INDIANA CODE
- 4 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2026]:
- 6 **Chapter 13.5. Display of the Flag of the United States or the**
- 7 **Indiana State Flag on Property Subject to Regulation by a**
- 8 **Property Owners Association**
- 9 **Sec. 1. This chapter applies to all governing documents**
- 10 **established, adopted, enacted, or enforced before, on, or after July**
- 11 **1, 2026.**
- 12 **Sec. 2. As used in this chapter, "front yard" means a yard**
- 13 **within a parcel of real property that has a front building setback**
- 14 **line of at least fifteen (15) feet that extends the full width of the**
- 15 **parcel between the front lot line and the front building setback line.**
- 16 **Sec. 3. (a) As used in this chapter, "governing document" means**
- 17 **each document governing the establishment, maintenance, or**
- 18 **operation of a property owners association.**
- 19 **(b) The term includes documents that subject real property to:**
- 20 **(1) restrictive covenants or similar instruments governing the**
- 21 **administration or operation of a property owners association;**
- 22 **(2) properly adopted bylaws, rules, and regulations of a**
- 23 **property owners association; and**
- 24 **(3) all lawful amendments to covenants, bylaws, rules, or**
- 25 **regulations of a property owners association.**
- 26 **Sec. 4. As used in this chapter, "property owners association"**
- 27 **means an incorporated or unincorporated:**
- 28 **(1) homeowners association;**

1 (2) condominium association;
 2 (3) cooperative association;
 3 (4) residential subdivision association; or
 4 (5) similar property owners association;
 5 owned by or whose members consist primarily of the owners of the
 6 property covered by a governing document and through which the
 7 owners, or a board of directors or similar governing body, manage
 8 or regulate the property owners association.

9 Sec. 5. Except as provided in section 6 of this chapter, a
 10 property owners association may not adopt or enforce a governing
 11 document provision that prohibits or restricts, or has the effect of
 12 prohibiting or restricting, a member of the property owners
 13 association from displaying the:

- 14 (1) flag of the United States, including displaying the flag of
- 15 the United States from a flagpole; or
- 16 (2) state flag described in IC 1-2-2-1, including displaying the
- 17 state flag from a flagpole.

18 Sec. 6. A property owners association may adopt or enforce
 19 reasonable governing document provisions that do any of the
 20 following:

21 (1) Require:

22 (A) that the flag of the United States must be displayed in
 23 accordance with:

- 24 (i) 4 U.S.C. 5 through 4 U.S.C. 10; and
- 25 (ii) the federal Freedom to Display the American Flag
- 26 Act of 2005 (120 Stat. 572);

27 (B) that a flagpole attached to a dwelling or a freestanding
 28 flagpole:

- 29 (i) must be constructed of permanent, durable materials;
- 30 and
- 31 (ii) must have a finish appropriate to the materials used
- 32 in the construction of the flagpole and harmonious with
- 33 the dwelling;

34 (C) that the display of a flag, or the location and
 35 construction of the supporting flagpole, must comply with
 36 applicable zoning ordinances, easements, and setbacks of
 37 record; and

38 (D) that:

- 39 (i) a displayed flag and the flagpole on which it is flown
- 40 must be maintained in good condition; and
- 41 (ii) any deteriorated flag or deteriorated or structurally
- 42 unsafe flagpole must be repaired, replaced, or removed.

43 (2) Regulate the size, number, and location of flagpoles on
 44 which flags are displayed, except that the regulation may not
 45 prevent the installation of at least one (1) flagpole per
 46 property that:

47 (A) is:

- 1 (i) located in the front yard of the property;
- 2 (ii) not more than twenty (20) feet in height; and
- 3 (iii) subject to applicable zoning ordinances, easements,
- 4 and setbacks of record; or
- 5 (B) is attached to any part of a residential structure:
- 6 (i) owned by the member; and
- 7 (ii) not maintained by the property owners association.
- 8 (3) Govern the size of a displayed flag.
- 9 (4) Regulate the:
- 10 (A) size;
- 11 (B) location; and
- 12 (C) intensity;
- 13 of any lights used to illuminate a displayed flag.
- 14 (5) Impose reasonable restrictions to abate noise caused by an
- 15 external halyard of a flagpole.
- 16 (6) Prohibit a member from locating a displayed flag or
- 17 flagpole on property that is:
- 18 (A) owned or maintained by the property owners
- 19 association; or
- 20 (B) owned in common by the members of the property
- 21 owners association."

22 Renumber all SECTIONS consecutively.

(Reference is to EHB 1150 as printed February 4, 2026.)

Senator FORD J.D.