

# Chapter 3 - American Flag Display



*Creating Community*

## ABC'S OF HOA LAW IN NEW MEXICO

A Guide to New Mexico Community Association Law

### American Flag Display

A federal law was passed in 2006 that applies to the display of the American flag. The law prohibits an association from adopting or enforcing any policy or agreement (which would include the Declaration or Rules) 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.”

With that said, the law allows for a few limitations:

1. The law only applies to the display of the American flag.
2. The flag must be displayed consistent with the provisions of the Federal Flag Code, or any rule or custom pertaining to the proper display or use of the American flag.
3. An association may place reasonable restrictions as to the time, place or manner of displaying the American flag that are necessary to “protect a substantial interest” of the association.

Therefore, if the association’s governing documents completely prohibit the flying of flags, this law would supercede the association’s governing documents as to the flying of the American flag. However, the association could adopt reasonable restrictions governing the display of the flag that are necessary to protect a substantial interest of the association.

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