

House Bill 21-1310

On July 2, 2021, Colorado State approved the House Bill 21-1310 regarding flags and HOA enforcement.

Seasons rules that are no longer enforceable are:

3. **Display of Political Flags and Signs**

These are defined as any flag or sign that carries a message intended to influence the outcome of an election and or recall of an election or elected official.

a. The HOA prohibits political flags displayed earlier than forty-five (45) days before an election day and no longer than seven (7) days after an election.

b. **Political signs**

i. The HOA will permit one political sign per political office or ballot issue that is contested in a pending election.

ii. Any political sign exceeding 36 inches by 48 inches is prohibited within Seasons Subdivision

4. **Display of all other visible Flags are prohibited in the Seasons Subdivision.**

Colorado Law now states that homeowners can fly any flags, place any signs (window or yard) except signs bearing commercial messages, for as long as they want. Everything else in Seasons Flag Policy is enforceable.

Because Colorado State Law trumps HOA laws, there is no need to alter the policy, it's automatically in place, the members of the HOA just need to be aware of the House Bill and how it affects them.

**RESOLUTION OF
SEASONS HOMEOWNERS ASSOCIATION, INC.
Flag Policy**

- SUBJECT:** Adoption of a policy and procedure to be followed regarding the display of flags in the Subdivision.
- PURPOSE** The Purpose of this Resolution is to adopt a standard policy and procedure to be followed by all owners who wish to display the American flag, service flags and political signs/flags in a manner that protects the rights of the owners, provides for the safety of residents and maintains the value of the property.
- AUTHORITY:** The Declaration of the Seasons Homeowners Association (the "Declaration), Articles of Incorporation and Bylaws of the Association, any amendments thereto (the "Governing Documents"), the Colorado Common Interest Ownership Act (specifically C.R.S. § 38-33.3-106.5) and Federal law.
- EFFECTIVE DATE:** September 24, 2020
- RESOLUTION:** The Association hereby adopts the following policy and procedures:
- 1. Display of the American Flag**

The HOA cannot prohibit the display of the American flag on a unit owner's property, in a window of the unit, if the American flag is displayed in a manner consistent with the Federal Flag Code. The HOA is permitted to adopt reasonable rules that regulate the placement and how the American flag is displayed. The HOA cannot prohibit the installation of flagpoles. However, associations are permitted to regulate the location and size of flags and flagpoles.

 - a. The Homeowner is permitted to display the American flag in a manner consistent with the Federal Flag Code and Section 6 of this policy.
 - 2. Display of Service Flags**

The HOA cannot prohibit the display of a service flag bearing a star denoting the service of the owner or occupant of the unit, or a member of the owner's or occupant's immediate family, who is serving in the active or reserve military service of the United States during a time of war or armed conflict. The HOA must permit service flags to be displayed on the inside of the window or door of a unit. The HOA is permitted to adopt reasonable rules regarding the size and manner of display of service flags. The maximum dimensions allowed may not be less than nine inches by sixteen inches.

 - a. The Homeowner is permitted to display a service flag in a manner consistent with the Federal Flag Code and Section 6 of this policy.

3. **Display of Political Flags and Signs**

These are defined as any flag or sign that carries a message intended to influence the outcome of an election and or recall of an election or elected official.

- a. The HOA prohibits political flags displayed earlier than forty-five (45) days before an election day and no longer than seven (7) days after an election.
- b. **Political signs**
 - i. The HOA will permit one political sign per political office or ballot issue that is contested in a pending election.
 - ii. Any political sign exceeding 36 inches by 48 inches is prohibited within Seasons Subdivision.

4. **Display of State Flags**

These are defined as any flag representing any of the 50 US states.

- a. The Homeowner is permitted to display the state flag of their choosing in a manner that is consistent with the Federal Flag Code and Section 6 of this policy.

5. **Display of all other visible Flags are prohibited in the Seasons Subdivision.**

6. **Flag Installation Policy**

- a. **Yard flagpole installations** – flagpoles installed in the ground or attached to any fixture or structure other than the primary dwelling are prohibited.
- b. **Structure attached flagpole installations** – any flagpole installed on any structure situated on a Seasons Subdivision lot.
 - i. Submit installation plan with Seasons Architectural Control Committee (or Board of Directors) for Approval prior to installation.
 - ii. Flagpole installations attached to the primary dwelling are permitted.
 - iii. Flagpoles should not exceed more than (1) installation on the front of the visible structure.
 - iv. Flagpoles should not exceed the height of the attached structure.
 - v. Flag dimensions should not exceed 4ft by 6ft.
 - vi. Use of temporary or permanent pennants or streamer flags is prohibited within Seasons Subdivision.
- c. **Vehicle flagpole installations** –
 - i. Use of permanent flagpoles installed on parked vehicles visible in driveways, streets and guest parking areas are prohibited within Seasons Subdivision.

7. Violations

- a. Any violation of this policy will result in written notice from the HOA to remove and take down the flag, flagpole or sign. Failure to comply with this notice will result in fines per the governing documents and policies.

8. Definitions

- a. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

9. Supplement to Law

- a. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Governing Documents and the law of the State of Colorado governing the Project.

10. Deviations

- a. The Board of Directors may deviate from the policy and procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

11. Amendment

- a. This Policy and Procedure may be amended from time to time by the Board of Directors.

BOARD OF DIRECTORS CERTIFICATION: The undersigned, being the Board of Directors of the Association, certifies that the foregoing Resolution was adopted at a duly called and held meeting of the Board of Directors on September 24, 2020 and in witness thereof the undersigned has subscribed his/her name.

SEASONS SUBDIVISION HOMEOWNERS ASSOCIATION, INC.

By: _____
Dean McCall, President

By: _____
Carl Woerner, Vice President

By: _____
Ray Lalone, Secretary/Treasurer