

SENATE RESOLUTION No. 47

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator MICHAEL J. DOHERTY

District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Memorializes Congress and Department of Housing and Urban Development to permit display of American flag and yellow ribbons on public housing premises.

CURRENT VERSION OF TEXT

As introduced.



1 **A SENATE RESOLUTION** memorializing Congress and the
 2 Department of Housing and Urban Development to explicitly
 3 permit the display of the American flag and yellow ribbons on
 4 the premises of public housing.

5
 6 **WHEREAS**, Local public housing authorities have interpreted
 7 nondiscrimination provisions of the federal Fair Housing Act to
 8 prohibit the display of the American flag or yellow ribbons unless
 9 other potentially offensive flags or ribbons are also permitted to be
 10 displayed; and

11 **WHEREAS**, It is unclear whether the Fair Housing Act prohibits such a
 12 display or whether the local public housing authorities have
 13 misinterpreted the law; and

14 **WHEREAS**, Under the guise of the Fair Housing Act, citizens of this
 15 nation, and residents of the State of New Jersey, have been denied
 16 the right to express their patriotism through the display of symbols
 17 such as the American flag or a yellow ribbon; and

18 **WHEREAS**, Every individual living in the United States of America
 19 should be permitted to display the American flag or yellow ribbons,
 20 in a reasonable and safe manner, outside of their home; and

21 **WHEREAS**, Congress has previously recognized the importance of
 22 allowing individuals to display the American flag through the
 23 passage of the Freedom to Display the American Flag Act of 2005;
 24 and

25 **WHEREAS**, The Freedom to Display the American Flag Act of 2005,
 26 however, does not grant the right to display the American flag, or
 27 yellow ribbons, to all Americans; and

28 **WHEREAS**, Congress or the Department of Housing and Urban
 29 Development could use New Jersey law, namely N.J.S.A.45:22A-
 30 48.1 which specifically prohibits a homeowners' association from
 31 limiting or prohibiting the display of the American flag, yellow
 32 ribbons, and signs in support of our troops, as a model to explicitly
 33 permit the display of the American flag or yellow ribbons on public
 34 housing premises; and

35 **WHEREAS**, The residents and Legislature of New Jersey have
 36 acknowledged that the display of the American flag and yellow
 37 ribbons is a vital policy issue to the State; and

38 **WHEREAS**, Federal law should be either clarified or amended so that
 39 no person is ever again prohibited from displaying the American
 40 flag or yellow ribbons based on the notion that such demonstrations
 41 of patriotism are prohibited under federal law; now, therefore,

42
 43 **BE IT RESOLVED** *by the Senate of the State of New Jersey:*

44
 45 1. This House urges Congress and the Department of Housing
 46 and Urban Development to either amend or clarify current law to
 47 explicitly permit the display of the American flag and yellow
 48 ribbons on the premises of public housing.

SR47 DOHERTY

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2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Secretary of the Senate to the Majority and Minority Leaders of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives, every member of Congress elected from this State, and the Secretary of the Department of Housing and Urban Development.

STATEMENT

This resolution calls on Congress and the Department of Housing and Urban Development to either amend or clarify existing law to explicitly permit the display of the American flag and yellow ribbons on public housing premises.

In May of 2012, a New Jersey resident was told that she could not display the American flag on the balcony of her public housing apartment. The reasoning given to her was that, based on the nondiscrimination provision of the federal Fair Housing Act, if the American flag was permitted to be displayed that the housing authority would then also have to permit the display of objectionable or offensive flags. Display of the American flag, along with display of other patriotic symbols such as yellow ribbons, should not be prohibited by any federal, state, or local law.

Congress previously addressed this topic when it passed the Freedom to Display the American Flag Act of 2005. The State of New Jersey has also addressed the topic of display of the American flag and yellow ribbons under Title 45 of the New Jersey Statutes. Unfortunately, the Freedom to Display the American Flag Act of 2005 does not appear to go far enough to protect the right of Americans to display the American flag. Because the right to display the American flag and yellow ribbons is a right that is near and dear to the hearts of all Americans, Congress and the Department of Housing and Urban Development should take appropriate measures to explicitly guarantee that right.