

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 456 – SB 469**

March 13, 2017

**SUMMARY OF ORIGINAL BILL:** Prohibits a homeowners' association from adopting or enforcing a dedicatory instrument provision created or amended on or after the effective date of this legislation prohibiting a veteran from displaying the flag of the United States of America or an official or replica flag of any branch of the United States armed forces.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (004955):** Deletes and rewrites the bill such that the only substantive change is extending the prohibition to all property owners, rather than to veterans exclusively.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- This legislation defines a dedicatory instrument as each document governing the establishment, maintenance, or operation of a residential subdivision, planned unit development, condominium, horizontal property regime, or any similar planned development; and includes a declaration or similar instrument subjecting real property to restrictive covenants bylaws, or similar instruments governing the administration or operation of a homeowners' association; properly adopted rules and regulations of a homeowners' association; or all lawful amendments to covenants, bylaws, instruments, rules or regulations of a homeowners' association.

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- Any impact resulting from the enforcement of a homeowners' association dedicatory instrument provision will be borne by private parties. Any fiscal impact to state or local government is estimated to be not significant.

**IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumption for the bill as amended:

- Prohibiting a homeowners' association from adopting or enforcing a provision that prohibits a property owner from displaying the flag of the United States of America or an official or replica flag of any branch of the United States armed forces will not impact commerce or jobs in Tennessee.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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