S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to certain covenants and restrictions limiting religious expression being void as against public policy

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general obligations law is amended by adding a new section 5-336 to read as follows:

S 5-336. CERTAIN COVENANTS AND RESTRICTIONS IN CONVEYANCES AND OTHER AGREEMENTS AFFECTING REAL PROPERTY VOID AS AGAINST PUBLIC POLICY. ANY PROMISE, COVENANT OR RESTRICTION IN A CONTRACT, MORTGAGE, LEASE, DEED OR CONVEYANCE OR IN ANY OTHER AGREEMENT AFFECTING REAL PROPERTY, HERETOFORE OR HEREAFTER MADE OR ENTERED INTO, WHICH LIMITS, RESTRAINS, PROHIBITS OR OTHERWISE PROVIDES AGAINST THE FREEDOM OF RELIGIOUS EXPRESSION INCLUDING THE DISPLAY OF TEMPORARY OR SEASONAL SYMBOLS WITH RELIGIOUS OR HERITAGE SIGNIFICANCE BY THE OWNER, LESSEE OR OCCUPANT OF THE REAL PROPERTY, IS HEREBY DECLARED TO BE VOID AS AGAINST PUBLIC POLICY, WHOLLY UNENFORCEABLE, AND SHALL NOT CONSTITUTE A DEFENSE IN ANY ACTION, SUIT OR PROCEEDING. NO SUCH PROMISE, COVENANT OR RESTRICTION SHALL BE LISTED AS A VALID PROVISION AFFECTING SUCH PROPERTY IN PUBLIC NOTICES CONCERNING SUCH PROPERTY. THE INVALIDITY OF ANY SUCH PROMISE, COVENANT OR RESTRICTION IN ANY SUCH INSTRUMENT OR AGREEMENT SHALL NOT AFFECT THE VALIDITY OF ANY OTHER PROVISION THEREIN, BUT NO REVERTER SHALL OCCUR, NO POSSESSORY ESTATE SHALL RESULT, NOR ANY RIGHT OF ENTRY OR RIGHT TO A PENALTY OR FORFEITURE SHALL ACCRUE BY REASON OF THE DISREGARD OF SUCH PROMISE, COVENANT OR RESTRICTION.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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