

STATE OF NEW YORK

4539

2017-2018 Regular Sessions

IN SENATE

February 16, 2017

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

AN ACT to amend the real property law, in relation to the rights of tenants to display the flag of the United States

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The real property law is amended by adding a new section
2 223-c to read as follows:

3 § 223-c. Rights of tenants to display the flag of the United States in
4 certain areas. 1. No landlord shall prohibit a tenant from engaging in
5 the display of the flag of the United States if the flag is displayed in
6 accordance with:

7 a. the patriotic customs set forth in 4 U.S.C. 5-10, governing the
8 display and use of the flag of the United States;

9 b. federal law, state law, or any local ordinance or resolution; and

10 c. does not infringe upon the space rented by any other tenant.

11 2. As used in this section, "display of the flag of the United States"
12 means a flag of the United States that is:

13 a. made of cloth, fabric or paper;

14 b. displayed from a pole or staff or in a window; and

15 c. displayed in a manner that is consistent with 4 U.S.C. Chapter 1.

16 3. A tenant who requests to display the flag of the United States at
17 the rental property as provided in this section, shall contact the land-
18 lord with reasonable notice before display to discuss the following:

19 a. placement in compliance with any local zoning restrictions; and

20 b. the appropriate size of the flag, which shall be consistent with
21 the size and character of the dwelling unit.

22 4. Nothing in this section exempts a tenant from a provision in a
23 lease agreement that requires a tenant, at the termination of a lease,
24 to return the premises in the same condition as they were in when the
25 tenant took possession.

26 5. The tenant is liable for damages caused by a United States flag
27 displayed by a tenant.

28 § 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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