STATE OF NEW YORK

6843

2019-2020 Regular Sessions

IN SENATE

November 8, 2019

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

AN ACT to amend the civil rights law, in relation to the display of religious items on dwellings

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

Section 1. The civil rights law is amended by adding a new section 79-p to read as follows:

§ 79-p. Display of religious items on dwellings. 1. Except as otherwise provided in this section, a property owner shall not enforce or adopt a restrictive covenant or any other restriction that prohibits one or more religious items from being displayed or affixed on any entry door or entry doorframe of a dwelling.

2. To the extent permitted by the New York State Constitution and the United States Constitution, this section shall not prohibit the enforcement or adoption of a restrictive covenant or other restriction prohibiting the display or affixing of a religious item on any entry door or entry doorframe to a dwelling that:

(a) threatens the public health or safety;

(b) hinders the opening or closing of any entry door;

(c) violates any federal, state, or local law;

(d) contains graphics, language or any display that is obscene or otherwise illegal; or

(e) individually or in combination with any other religious item displayed or affixed on any entry door or doorframe, has a total size greater than thirty-six by twelve square inches, provided it does not exceed the size of the door.

3. (a) No governing document of an association shall limit or prohibit the display of one or more religious items on the entry door or entry doorframe of a member's separate interest.

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

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(b) If an association is performing maintenance, repair, or replacement of an entry door or doorframe that serves a member's separate interest, the member may be required to remove a religious item during the time the work is being performed. After completion of the association's work, the member may again display or affix the religious item. The association shall provide individual notice to the member regarding the temporary removal of the religious item.

4. As used in this section, the following terms shall have the following meanings:

(a) "property owner" means an association, board, member, landlord, or sublessor;

(b) "association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development;

(c) "board" means the board of directors of an association;

(d) "member" means an owner of a separate interest; and

(e) "religious item" means an item displayed because of sincerely held religious belief.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.