

# STATE OF NEW YORK

122

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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

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:

1 Section 1. The civil rights law is amended by adding a new section  
2 79-q to read as follows:

3 § 79-q. Display of religious items on dwellings. 1. Except as other-  
4 wise provided in this section, a property owner shall not enforce or  
5 adopt a restrictive covenant or any other restriction that prohibits one  
6 or more religious items from being displayed or affixed on any entry  
7 door or entry doorframe of a dwelling.

8 2. To the extent permitted by the New York State Constitution and the  
9 United States Constitution, this section shall not prohibit the enforce-  
10 ment or adoption of a restrictive covenant or other restriction prohib-  
11 iting the display or affixing of a religious item on any entry door or  
12 entry doorframe to a dwelling that:

13 (a) threatens the public health or safety;

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

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

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

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

22 3. (a) No governing document of an association shall limit or prohibit  
23 the display of one or more religious items on the entry door or entry  
24 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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1 (b) If an association is performing maintenance, repair, or replace-  
2 ment of an entry door or doorframe that serves a member's separate  
3 interest, the member may be required to remove a religious item during  
4 the time the work is being performed. After completion of the associ-  
5 ation's work, the member may again display or affix the religious item.  
6 The association shall provide individual notice to the member regarding  
7 the temporary removal of the religious item.

8 4. As used in this section, the following terms shall have the follow-  
9 ing meanings:

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

12 (b) "association" means a nonprofit corporation or unincorporated  
13 association created for the purpose of managing a common interest devel-  
14 opment;

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

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

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

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