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SB-652 Entry doors: display of religious items: prohibitions. (2019-2020)

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Senate Bill No. 652

CHAPTER 154

An act to add Sections 1940.45 and 4706 to the Civil Code, relating to housing.

[Approved by Governor July 30, 2019. Filed with Secretary of State July 30, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 652, Allen. Entry doors: display of religious items: prohibitions.

(1) Existing law regulates the terms and conditions of residential tenancies, and prohibits a landlord from interfering with a tenant's quiet enjoyment of the premises. Existing law prohibits a landlord from prohibiting a tenant from posting or displaying political signs relating to an election or legislative vote, the initiative, referendum, or recall process, or issues before a public body for a vote, except under certain circumstances.

This bill would, with certain exceptions, prohibit a property owner, as defined, from enforcing or adopting a restriction that prohibits the display of religious items on an entry door or entry door frame of a dwelling.

(2) Existing law, the Davis-Stirling Common Interest Development Act, prohibits the governing documents of a common interest development from prohibiting the posting or displaying of noncommercial signs, posters, flags, or banners on or in an owner's separate interest, except as specified.

This bill would prohibit the governing documents of a common interest development from prohibiting the display of religious items, as defined, on the entry door or entry door frame of a common interest development member's separate interest. The bill would provide an exception to this prohibition for maintenance, repair, or replacement of an entry door or door frame, as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1940.45 is added to the Civil Code, immediately following Section 1940.4, to read:

1940.45. (a) Except as otherwise provided by 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 door frame of a dwelling.

(b) To the extent permitted by Article 1, Section 4, of the California Constitution and the First Amendment to the United States Constitution, this section does 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 door frame to a dwelling that:

(1) Threatens the public health or safety.

(2) Hinders the opening or closing of any entry door.

(3) Violates any federal, state, or local law.

(4) Contains graphics, language or any display that is obscene or otherwise illegal.

(5) Individually or in combination with any other religious item displayed or affixed on any entry door or door frame that has a total size greater than 36 by 12 square inches, provided it does not exceed the size of the door.

(c) As used in this section, the following terms have the following meanings:

(1) "Property owner" means all of the following:

(A) An association, as that term is defined in Section 4080.

(B) A board, as that term is defined in Section 4085.

(C) A member, as that term is defined in Section 4160.

(D) A landlord, as that term is defined in Section 1940.8.5.

(E) A sublessor.

(2) "Religious item" means an item displayed because of sincerely held religious beliefs.

SEC. 2. Section 4706 is added to the Civil Code, to read:

4706. (a) Except as restricted in Section 1940.5, no governing document shall limit or prohibit the display of one or more religious items on the entry door or entry door frame of the member's separate interest.

(b) If an association is performing maintenance, repair, or replacement of an entry door or door frame 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.