

Date of Hearing: June 19, 2019

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

SB 652 (Allen) – As Amended April 22, 2019

SENATE VOTE: 38-0

SUBJECT: Entry doors: display of religious items: prohibitions

SUMMARY: Prohibits a property owner, defined as a common interest development (CID), a landlord, or a sublessor, from enforcing or adopting a restrictive covenant or any other restriction that prohibits one or more religious items from being displayed or affixed on any entry door frame to a dwelling. Specifically, **this bill:**

- 1) Provides that this bill does not prohibit, to the extent permitted by the California Constitution and the U.S. Constitution, the enforcement or adoption of a restrictive covenant or any other restriction prohibiting the display or affixing of a religious item on any entry door or door frame to a dwelling that:
 - a) Threatens 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; and,
 - e) 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.
- 2) Prohibits CID governing documents from limiting or prohibiting the display of one or more religious items on the entry door of the member's separate interest.
- 3) Requires a member to remove a religious item from the door of their separate interest when an HOA is performing maintenance, repair, or replacement of the door or door frame. Requires the HOA to serve notice to the member regarding the work and allows the member to display or affix the religious item upon completion of the work.

EXISTING LAW:

- 1) Prohibits a landlord from banning tenants from posting or displaying political signs, as specified, unless the sign exceeds a specified size; violates a local, state, or federal law; or violates a lawful provision in a common interest development (CID) governing document.
- 2) Prohibits the governing documents of a CID from limiting or prohibiting the display of the United States flag by one of its members (e.g., one of the residents of the CID) on or in the member's individual separate interest (e.g., the member's individual housing unit) or within the member's exclusive use common area.

- 3) Prohibits a CID from banning its members from posting or displaying non-commercial signs, poster, flags, or banners on or in a member's separate interest, except as required for the protection of public health or safety or if the posting or display would violate a local, state, or federal law.

FISCAL EFFECT: None.

COMMENTS:

Purpose of this bill: According to the author, "Many religions require or encourage members of their faith to display religious items in or outside their homes. For example, observant Jews hang a mezuzah on their entry doorpost. A mezuzah is a small, unobtrusive object – often less than six inches long and an inch wide – containing a verse from the Torah on parchment. For millennia, Jews have posted mezuzahs ("mezuzot" in Hebrew) on the entry doorframes of their homes in fulfillment of a religious obligation rooted in the Bible. A mezuzah is not a decorative choice for Jews, but rather a religious obligation that they have to abide by. For those living in houses, condominiums, or apartment buildings that are subject to homeowner association (HOA) or rental policies, this religious requirement could conflict with these policies. Many HOA and rental agreements have aesthetic or other rules that bar hanging anything on an entry doorframe. There have been several incidents where observant members of the Jewish community have been prevented from placing a mezuzah on an entry doorframe of their home. Such decisions taken by HOAs leave the affected people unable to freely practice their religious obligations and in some instances they must resort to leaving their residence and seek another place to live. Five states (Connecticut, Florida, Illinois, Rhode Island and Texas) have adopted laws that prohibit the adoption or enforcement of policies barring the placement of religious items within a certain size limit on residents' entry doors or doorframes. SB 652 would prohibit a property owner from enforcing or adopting a restrictive covenant or any other restriction disallowing the display or affixing of a religious item on an entry door or a doorframe. The measure makes clear that the displayed item(s) cannot pose a threat to the health or safety of others, hinder the opening or closing of an entry door, violate federal, state, or local laws, or contain obscene graphics or language that is otherwise illegal."

Common interest developments: There are over 52,000 CIDs in the state that comprise over six million housing units, or approximately one quarter of the state's housing stock. CIDs include condominiums, community apartment projects, housing cooperatives, and planned unit developments. They are characterized by a separate ownership of dwelling space coupled with an undivided interest in a common property, restricted by covenants and conditions that limit the use of common area and the separate ownership interests, and the management of common property and enforcement of restrictions by an association. CIDs are governed by the Davis-Stirling Act (the Act) as well as the governing documents of the association, including bylaws, declaration, and operating rules.

Existing protections: Both the federal Fair Housing Act (FHA) and the state Fair Employment and Housing Act (FEHA) broadly prohibit discrimination based on religion. The FHA prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex, familial status, national origin, and disability. The FEHA protects against discrimination based on "religious creed," "religion," "religious observance," "religious belief," and "creed," defined as all aspects of religious belief,

observance, and practice, including religious dress and grooming practices. Neither, however, specifically addresses religious items on doors.

Double-referred: This bill was also referred to the Assembly Committee on Judiciary where it will be heard should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Anti-Defamation League (co-sponsor)
Jewish Public Affairs Committee (co-sponsor)
American Jewish Committee
Bend the Arc: Jewish Action
California Catholic Conference
Hindu American Foundation
Jewish Federation of Silicon Valley
National Association of Social Workers, California Chapter
San Francisco Interfaith Council
Union of Orthodox Jewish Congregations of America

Opposition

None on file.

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