



Leaving Religion ... on the Door

Legislation Gives Owners the Freedom to Display Certain Religious Items

[by Mary-Joy Howes, Esq.]

The governor signed legislation this past July that would prohibit condominium associations from instituting any rule or regulation that would ban attaching religious objects to the front door of a condominium unit.

This act takes effect immediately upon passage and amends the Rhode Island Fair Housing Practices Act, Chapter 34-37, by adding Section 5.5 titled "Freedom of Condominium Owners and Apartment Renters to Display Certain Religious Items." The Act provides as follows:

(a) Except as otherwise provided by this section, a landlord or owner, as defined in § 34-18-11, a management

committee, as defined in § 34-36-3, or an association of unit owners, as defined in § 34-36.1-1.03 (hereinafter "property owners"), may not enforce or adopt a restrictive covenant or otherwise prohibit a unit owner or tenant from displaying or affixing on the entry to the unit owner's or tenant's dwelling one or more religious items, the display of which is motivated by the unit owner's or tenant's sincere religious belief.

(b) This section does not prohibit the enforcement or adoption of a covenant that, to the extent allowed by the constitutions of this state and the United States, prohibits the display or affixing of a religious item on the entry to the unit owner's or tenant's dwelling that:

- (1) Threatens the public health or safety;
 - (2) Violates the provisions of chapter 37 of title 34 or any other state or federal law barring discrimination in housing, or any other law;
 - (3) Is in a location other than the entry door or doorframe or extends past the outer edge of the doorframe of the unit owner's or resident's dwelling; or
 - (4) Individually or in combination with each other religious item displayed or affixed on the entry door or doorframe has a total size of greater than twenty-five (25) square inches.
- (c) Except as otherwise provided by this

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section does not authorize a unit owner or tenant to use a material or color for an entry door or doorframe of the owner's or resident's dwelling or make an alteration to the entry door or doorframe that is not authorized by the restrictive covenant governing the dwelling.

(d) A property owner's association may remove an item displayed in violation of a restrictive covenant permitted by this section.

While this statute will prevent associations from keeping the outside surfaces of the unit doors from all looking exactly the same, it is not without limitation. For example, the statute says the affixed objects must be based on the individual's "sincere" religious beliefs. The objects may also not exceed a combined size greater than 25 square inches. Therefore, associations need not worry about the unit owner who "worships" the Patriots and wants to affix a life-size Tom Brady poster on their front door. While Tom Brady may be a crazy example, the question will ultimately arise, however, as to what exactly is a "sincere" religious belief.

Another restriction upon a unit owner's display is that the door and the doorframe itself cannot be altered. For example, a unit owner could not paint the Star of David on the door. The unit owner, however, would be allowed to affix a physical Star of David onto the door if it was 25 square inches or smaller and did not exceed the doorframe.

There is also an exception for public health and safety, as well as the requirement that the objects comply with state and federal laws. This could come into play if the unit owner's religion, although sincerely believed, was rooted in violence or discrimination. For example, if a unit

owner's religion believed in sacrificing live animals, the association could prohibit the unit owner from affixing a fresh animal carcass to their unit door. Also, with respect to safety, objects that would require lighting, for example Christmas decorations or candles, may pose electrical fire risk and therefore would be prohibited.

It will be interesting to see how this new statute will play out in the many community associations that exist across Rhode Island. The intention behind the new law is reasonable—which is to give unit owners the freedom to exhibit a small token of their sincere religious beliefs on the front door to their homes. As we all know too well, however, there are unreasonable unit owners that will

take advantage of this right and many disputes will undoubtedly arise.

Only time will tell if these few unit owners will eventually ruin it for everyone. Boards should exercise reasonableness and good faith in determining what is an appropriate display of sincere religious beliefs. When in doubt, boards should always consult with their attorney before demanding removal of any object that could be protected under this new statute.



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