

Posting Political Signs in the Window Is Your Right — Isn't It?

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September 30, 2016

In July, Rebecca and Shirley Solomon, two sisters who have shared a TriBeCa loft for the better part of 40 years, hung a sign in their window for Hillary Clinton. In other election years, they had hung signs for Barack Obama and placards opposing George W. Bush and the Iraq war. But this time, their exercise in political engagement was thwarted.

Two weeks after the sign went up, their landlord told them to take Hillary down.

The building had converted from a rental to a condominium, and the condo board had new rules about window décor, prohibiting residents from putting signs of any kind in their windows.

The sisters were dejected. “With our old landlords, we were pretty much allowed to get away with murder,” said Rebecca Solomon, who has lived in the Beach Street loft with her sister on and off since 1978.

The new regime is far less lenient. Their landlord, as the owner of the apartment, is beholden to the condo association’s rules, passing its orders along to the Solomon sisters, who are rent-stabilized tenants. “Don’t I have a First Amendment right?” Rebecca Solomon asked.

She might not. The First Amendment, a cornerstone of the United States Constitution, does not necessarily protect a person on private property. In [New York State](#), a homeowner can, theoretically, display signs of any political persuasion. But people living in condos, co-ops and privately owned rental buildings answer to a higher power: the owner of the building.

A renter’s lease might restrict what objects can be placed in windows. Owners of condo and co-op apartments must follow the rules of the condo association or the co-op board. Like a landlord, a condo or co-op board can enforce building rules, including those that prohibit window displays like holiday lights or signs of any kind.

“There would not be a constitutional right to post your sign if the landlord is saying no,” said Christopher Dunn, the associate legal director at the [New York Civil Liberties Union](#).

Rent-stabilized tenants, however, have some protections. Under rent-stabilization law, a landlord cannot evict a tenant for a window sign, according to David E. Frazer, a lawyer who represents tenants. But if you resist your landlord’s demands, he might take you to court, which carries risks. To keep peace with a landlord who’s “actually been a pretty nice guy to work with,” Rebecca Solomon took the sign down, she said.

Stroll the streets of Brownstone [Brooklyn](#), where many residents own their properties, and you will invariably see signs supporting or opposing national and local causes — like saving a Brooklyn Heights library branch or the view of the Brooklyn Bridge. In [Manhattan](#), where most people live in apartments, such displays are rare.

Silence has a price. The humble act of hanging a window placard gives an average citizen a voice in a political landscape dominated by players with deep pockets. A yard or window sign is an inexpensive way to participate. Such signs “have been a historic way that residents can express their political views,” said Jeanne LoCicero, the deputy legal director at the [American Civil Liberties Union of New Jersey](#). “You’re putting yourself out there, and in that way it’s unique.” But for millions of New Yorkers living in multifamily buildings, that option is off the table.

Unless, of course, you own the building. Consider 337 Lafayette Street, a construction site owned by the developer [Aby Rosen](#). Since August, it has been wrapped in a green barrier emblazoned with the phrase “Vote Your Conscience,” a nod to Ted Cruz, who uttered the words at the Republican National Convention before endorsing

Donald Trump in late September. The sign could also be read as a jibe at [Jared Kushner](#), Mr. Trump's son-in-law, whose company owns the nearby Puck building.

Paradoxically, 337 Lafayette Street was once known as the [Peace Pentagon](#) because the building traditionally housed left-leaning tenants like the Granny Peace Brigade and the Socialist Party USA. Those tenants were displaced after Mr. Rosen bought the property for \$20.75 million in 2015.

Sometimes, even ownership does not guarantee political expression. In February, Joseph Hornick, a retired firefighter, hung two flags bearing Mr. Trump's slogan "Make America Great Again" outside his house in West Long Branch, N.J. They were the first campaign flags Mr. Hornick had ever flown. "I was proud to put those flags up," he said. Until declaring his support for Mr. Trump, he had hung only the American flag of 1815, the year his home was built.

In March, Mr. Hornick received a citation for violating a town ordinance restricting the display of political signs to 30 days before an election and five days after. He faced a fine of up to \$2,000 or 90 days in jail, or both, although it was unlikely he would have received such a stiff punishment from the municipal court for a first offense, according to his lawyers.

Mr. Hornick was not deterred. "I would have done a year in jail," he said. "I was only concerned about who was going to guard my flags." (Vandals had repeatedly stolen them, but Mr. Hornick replaced them with new ones from eBay.)

The story "took on a life of its own," said Mr. Hornick, who soon became a local celebrity in his community near the [Jersey Shore](#) as news outlets took notice. By May, the case had been dismissed. In June, the town repealed the ordinance.

This kind of ordinance "is probably more common than you think," said Eric D. Sherman, a Manhattan lawyer who represented Mr. Hornick pro bono, along with the [ACLU of New Jersey](#). "People aren't aware that it's unconstitutional."

Towns can place some restrictions on the political signs that homeowners put on their properties, but they cannot outright ban them, and the ordinance that essentially prohibited signs for 11 months a year in Mr. Hornick's town constituted an unreasonable ban, according to Ms. LoCicero of the ACLU of [New Jersey](#).

In New Jersey, unlike in New York, condo and homeowners associations cannot prohibit political signs, although they, too, can impose some limitations. Nevertheless, restrictive and potentially unconstitutional rules remain on the books, unless someone pushes back. "It's kind of like playing Whack-A-Mole," Ms. LoCicero said. "Every four years, we find out about these bans."