



# Freedom of Speech – Can Tenants Post Signs or Banners?

by Zachary Lawrence JD

Can a tenant place a poster on his balcony that says "I support the death penalty" or other political (and perhaps inflammatory) statements? I raised this very issue with eviction Attorney Dennis Block on our weekly radio show (Landlord-Tenant Radio, Mondays at 1:00 p.m. on KTYM 1460 AM). We started the conversation by allowing five seconds of radio silence to honor those lost during the recent terrorist events at a French newspaper. We then addressed the following:

**Question:** If a tenant wants to place a placard or banner on his or her balcony with political or inflamma-

tory content, what are the rights of the tenant and what are the rights of the landlord?  
**Block:** "Interesting ques-

---

***Can a tenant place a poster on his balcony that says "I support the death penalty" or other political (and perhaps inflammatory) statements?***

---

tion", said Block. "First of all, we have competing rights here. Under the First Amendment of our Constitution, we enjoy the right to freedom of speech. Our statements and

writings are protected.

On the other side, a landlord has the right to control his property. He could prohibit a tenant from posting a sign or banner on his balcony on the belief that it interferes with the look of the premises. The sign may also be promoting a message that the landlord believes is inappropriate. If were referring to a single-family residence, a tenant could post any sign he chooses. In an apartment complex, I think that the landlord has the right to 'control' the look of his property." I pressed Dennis on what he means by the word "control".

**Question:** Does it mean that a landlord has the right to suppress the tenant's right to free speech?  
**Block:** "To the degree that the sign does not comply with a California law, the landlord may prohibit the posting of signs on the premises."

## California Law - SB337

Let's now examine California law, which governs this

**Master Painting & Construction Co.**  
**Tel. (213) 738-6030** State Lic. 577769 B, C-33 Insured and Bonded

**Exterior Painting-Patching/Caulking/Puttying**  
Repair walls, acoustic ceiling & stucco

**House Painting: Interior/Exterior**  
Complete weather-proofing  
Power Washing to remove all dusts  
All Coatings Spray-Brush & Roller

*"General Handyman's work, Apartment Remodeling-Specialist"*  
*"Master Painting Cares About You and the Quality We Deliver"*



issue. SB337 allows tenants to display signs with the following restrictions:

- The sign can only be up to six square feet
- It must relate to a political issue on the ballot or pending before a public agency.
- The signs may be posted 90 days prior to the date of the election or vote and must be removed, at the landlord's request, no later than 15 days after such election or vote.

Freedom of speech, therefore, does indeed have boundaries in the landlord / tenant arena.

**Question:** Can the landlord, however, prohibit tenant expression simply because he feels that it interferes with the use and enjoyment of his property?

**Block:** "Let's not lose focus on the issue. The tenant may indeed talk about his political views, write to his local newspaper, pay for a billboard ad on the freeway and write a book on the subject. However, a tenant may not express his views on the landlord's property in a manner not governed by SB 337."

**Question:** This raises yet another issue. When a federal law conflicts with a state law, the Federal law prevails. As SB337 apparently limits a tenant's right to free speech, po-

litical or otherwise, on what legal grounds would a landlord's right to remove such a sign stand up in court?

**Block:** "Our constitution gives property rights to property owners who have competing rights. SB337 isn't stating that a tenant cannot express himself. What it states is that there is a reasonable time, place and manner for such political speech. Except for that instance, the landlord should be able to prohibit signs and placards placed by tenants in the common areas or in the windows of the unit."

So get ready for 2016 and keep a copy of SB337 handy. This article is in memo-

ry of those brave journalists who were lost during the recent events in France. Let us honor their memory by exercising our right to free speech, as permitted by our respective governments. **ADA**

*Zachary Lawrence JD is the owner of Parkside Property Management and Affordable Landlord Consulting. He is also the co-host and producer of "Landlord-Tenant Radio" (KTYM 1460am Monday's @1pm) with Attorney Dennis P. Block. For management or consultation services, Zachary Lawrence can be reached at (310) 636- 1200 or park806@aol.com.*

## TILE INSTALLATION & SHOWER PAN REPAIR - REPLACE



No More Leaks!

Free Same Day Estimates

Low Competitive Prices

- Showers That Leak For Any Reason - We Fix Them All - Guaranteed!
- Shower Pan - Repair, Replacement
- Hot Mop - Shower Pan - Highest Quality Installed
- Replace Old Tile with New Fresh Look
- Shower Walls & Floor, Tub Walls, Kitchen Counters
- Replace Old Shower Pipes, Faucet & Shower Head with New
- Higher Water Pressure



Many Very Happy Customers. We'd Love to Serve You Too.

**Cohen Tile, Inc. 323-933-1921**

## CALIFORNIA DECKING & WATERPROOFING

### Magnesite Fiberglass

- Painting & Waterproofing
- Pre-Cast Stairways
- Metal Staircases
- Magnesite & Fiberglass Systems
- Decks
- Stairs
- Balconies

**Free Estimates**



**Over 25 Years Experience**

- Swimming Pool Decks
- Metal Railings
- Metal Posts
- All Diato Services
- Rotten Wood Repair
- Stucco
- Courtyards
- Roof Decks

**800-482-6334 • Cell 818-667-2696**

[www.californiadecking.com](http://www.californiadecking.com) • [contact@californiadecking.com](mailto:contact@californiadecking.com)