



*'Tis the Season...
Part One
-by Dean Martin*



*Deck the Halls with Boughs of
Religiously Neutral, Inflammable, Allergen-Free, Prickly-Green-Leaf with
Red-Berry Branches...*

(in limited common areas only, please!)

This is the first of three emails (with a break next week for Thanksgiving) that address holiday decorations and related rules enforcement. This week we address issues related to community decorations put up by associations. The next email will address decoration rules for owners and the final installment will focus on the need for neutral enforcement of the rules related to holiday decorations.

Did you know that while holly has traditionally been associated with Christmas, its origins can be traced back to ancient Rome as the offering given to the God Saturn by the Romans during Saturnalia? The holidays abound with symbols representing various religions and cultures. Whether you generally agree with the politically correct or anti-politically correct movement, arguments about religious-based, expensive or just plain tacky decorations can make the season a lot less festive around community associations. Thus, it may be appropriate for your association to review its set of rules for holiday decorating or consider enacting some guidelines to ensure holiday cheer.

Community Decorations

Most owners do not have a problem with the association spending some small amount of the budget on neutral holiday decorations such as strings of lights, autumnal leaves, snow-flocked windows, or displays that focus on the season rather than any particular religious holiday. But when the association pays for seasonal decorations and displays them in common areas, those decorations should be religiously neutral.

Associations with members who have strong feelings about displaying the religious nature of the holidays may be tempted to display religious symbols for “all of the religions” (or at least the “Big 3”) and create a display that includes a star, a Menorah and at least one of the Seven Symbols of Kwanzaa. But, what about the symbols for Las Posadas, Eid-al-Adha, Bodhi Day & Hogmanay? (Look ‘em up!) Chances are, one or more of these holidays are celebrated by individuals in your community.

The hard truth is that an association-sanctioned display of any religious symbol could subject the association to claims of religious favoritism, including discrimination claims under the Fair Housing Act (“FHA”). While most people know that the FHA protects buyers of homes from discrimination in their purchase of the home, a federal court in 2009 decided that the FHA also extends to existing residents of community associations. And while it is doubtful that the association could be charged with violating an owner’s *constitutional* right to freedom of religion due to the lack of “state action” required for such claims, such displays could open the association to the question of whether such decorations may legally be spent out of common funds.

Associations are comprised of a wonderful variety of people with various religious beliefs and various tolerances for holiday decorations. Some members may be like Ebenezer Scrooge and harrumph and scowl no matter what. Others may be like Clark Griswold from National Lampoon’s “Christmas Vacation” and want decorations that can be seen from outer space. In the end, there is rarely a happy middle ground that will please everyone, particularly with respect to religious decorations.

If your association chooses to decorate--stay neutral. We recognize that many symbols of the holidays are so inherently ingrained into popular culture that their religious symbolism is minimized. Some people attach religious meaning to decorated trees, poinsettias, boughs of holly, hanging of greenery and Santa Claus or Saint Nicholas and others do not.

You do not have to go to the extreme of renaming "boughs of holly" as "boughs of religiously neutral, prickly-green-leaf with red-berry branches" but be cognizant of the decorations you choose. Respectful neutrality is sufficient.

Best regards,

[Dean Martin](#)



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