S T A T E O F N E W Y O R K

11709

I N A S S E M B L Y

October 13, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Glick) -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to prohibiting clauses in leases requiring the declawing of animals

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The real property law is amended by adding a new section 235-h to read as follows:

S 235-H. LEASE PROVISIONS RELATED TO DECLAWING ANIMALS; PROHIBITED. 1. ANY PERSON, FIRM OR CORPORATION OWNING OR HAVING IN CHARGE ANY APARTMENT HOUSE, TENEMENT HOUSE OR OTHER BUILDING OR MOBILE HOME PARK USED FOR DWELLING PURPOSES WHO SHALL, IN ANY LEASE OF ANY OR PART OF ANY SUCH BUILDING OR MOBILE HOME PARK, HAVE A CLAUSE THEREIN REQUIRING AS A RESTRICTION TO OCCUPANCY THE DECLAWING OF ANY ANIMAL, SHALL BE GUILTY OF A VIOLATION.

2. FOR PURPOSES OF THIS SECTION:

(A) "DECLAWING" MEANS PERFORMING, PROCURING, OR ARRANGING FOR ANY NON-THERAPEUTIC SURGICAL PROCEDURE, SUCH AS ONYCHECTOMY, TENDONECTOMY, OR PHALANGECTOMY, TO REMOVE OR TO PREVENT THE NORMAL FUNCTION OF AN ANIMAL'S CLAW OR CLAWS; AND

(B) "NON-THERAPEUTIC" MEANS A SURGICAL PROCEDURE THAT IS PERFORMED WITHOUT THERE BEING A MEDICAL NECESSITY TO ADDRESS THE MEDICAL CONDITION OF AN ANIMAL, SUCH AS AN EXISTING OR RECURRING ILLNESS, INFECTION, DISEASE, INJURY, OR ABNORMAL CONDITION THAT COMPROMISES THE ANIMAL'S HEALTH.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD18161-01-0