

2564

2009-2010 Regular Sessions

I N A S S E M B L Y

January 20, 2009

Introduced by M. of A. GLICK, GOTTFRIED, MILLMAN, BING -- Multi-Sponsored by -- M. of A. CLARK, COLTON, EDDINGTON, MAISEL, McENENY, PHEFFER -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to discrimination against certain tenants who own or keep pets

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

1 Section 1. Legislative intent. The legislature hereby finds that pet
2 companionship has a beneficial impact on the pet owner's physical and
3 mental health and numerous studies have demonstrated that senior citi-
4 zens with pets live longer, visit the doctor less often and recover more
5 quickly from illnesses. There exists a significant public interest and
6 purpose in preserving and enhancing the quality of life of the state's
7 senior citizens. Such persons should not be compelled to choose between
8 remaining in their home and having the therapeutic benefit of pet
9 companionship. The shortage of affordable housing across the state
10 offers such persons few housing options if forced to leave their homes
11 due to their need for pet companionship. Eviction of senior citizens
12 from multiple dwellings due to pet ownership is harmful to the public
13 welfare.

14 S 2. The real property law is amended by adding a new section 237-b to
15 read as follows:

16 S 237-B. DISCRIMINATION AGAINST PERSONS WHO HAVE CERTAIN HOUSEHOLD
17 PETS. NO PERSON SIXTY-TWO YEARS OF AGE OR OLDER SHALL BE DENIED OCCUPAN-
18 CY IN A MULTIPLE DWELLING OR BE SUBJECT TO EVICTION FROM ANY SUCH DWELL-
19 ING ON THE SOLE GROUND THAT SUCH PERSON OWNS OR KEEPS A COMMON HOUSEHOLD
20 PET OR PETS, THE HARBORING OF WHICH IS NOT PROHIBITED BY THE MULTIPLE
21 DWELLING LAW OR ANY OTHER APPLICABLE LAW. THIS SECTION SHALL NOT APPLY
22 WHERE THE HARBORING OF A COMMON HOUSEHOLD PET CAUSES DAMAGE TO THE
23 SUBJECT PREMISES, CREATES A NUISANCE OR INTERFERES SUBSTANTIALLY WITH

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

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1 THE HEALTH, SAFETY OR WELFARE OF OTHER TENANTS OR OCCUPANTS OF THE SAME
2 OR ADJACENT BUILDING OR STRUCTURE.

3 THE OWNER OF THE MULTIPLE DWELLING MAY ESTABLISH REASONABLE RULES FOR
4 THE CARE AND HANDLING OF COMMON HOUSEHOLD PETS AS PROVIDED FOR IN THIS
5 SECTION. SUCH RULES MAY INCLUDE THE FOLLOWING:

6 (1) REQUIRING PETS TO BE RESTRAINED ON LEASHES OR IN CARRIERS IN THE
7 CUSTODY AND CARE OF A RESPONSIBLE HUMAN COMPANION IN ALL COMMON AREAS OF
8 THE PREMISES;

9 (2) REQUIRING THE DISPOSAL OF ANIMAL WASTES IN A MANNER REASONABLY
10 SPECIFIED IN THE RULES;

11 (3) REQUIRING THE USE OF REASONABLY DESIGNATED ELEVATORS WHEN ACCOMPA-
12 NIED BY PETS;

13 (4) REQUIRING COMPLIANCE WITH APPLICABLE STATE AND LOCAL HEALTH,
14 ANIMAL CONTROL, AND ANIMAL ANTI-CRUELTY LAWS AND REGULATIONS.

15 NOTHING CONTAINED IN THIS SECTION OR RULES PROMULGATED PURSUANT TO
16 THIS SECTION, SHALL LIMIT OR RESTRICT RIGHTS GRANTED TO PERSONS UNDER
17 THEIR LEASES OR UNDER ANY OTHER LAW OR ORDINANCE. NOTHING IN THIS
18 SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT A MUNICIPALITY FROM
19 ENACTING OR AMENDING LOCAL LAWS OR ORDINANCES GRANTING ADDITIONAL RIGHTS
20 TO KEEP PETS, PROVIDED, HOWEVER, THAT NO SUCH LAW OR ORDINANCE SHALL
21 DIMINISH ANY RIGHTS GRANTED BY THIS SECTION.

22 S 3. This act shall take effect immediately.