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

3179

2009-2010 Regular Sessions

I N S E N A T E

March 12, 2009

Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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:

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

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

S 237-B. DISCRIMINATION AGAINST PERSONS WHO HAVE CERTAIN HOUSEHOLD PETS. NO PERSON SIXTY-TWO YEARS OF AGE OR OLDER SHALL BE DENIED OCCUPANCY IN A MULTIPLE DWELLING OR BE SUBJECT TO EVICTION FROM ANY SUCH DWELLING ON THE SOLE GROUND THAT SUCH PERSON OWNS OR KEEPS A COMMON HOUSEHOLD PET OR PETS, THE HARBORING OF WHICH IS NOT PROHIBITED BY THE MULTIPLE DWELLING LAW OR ANY OTHER APPLICABLE LAW. THIS SECTION SHALL NOT APPLY WHERE THE HARBORING OF A COMMON HOUSEHOLD PET CAUSES DAMAGE TO THE SUBJECT PREMISES, CREATES A NUISANCE OR INTERFERES SUBSTANTIALLY WITH THE HEALTH, SAFETY OR WELFARE OF OTHER TENANTS OR OCCUPANTS OF THE SAME OR ADJACENT BUILDING OR STRUCTURE.

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

LBD04531-01-9

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

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

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

(3) REQUIRING THE USE OF REASONABLY DESIGNATED ELEVATORS WHEN ACCOMPANIED BY PETS;

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

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

S 3. This act shall take effect immediately.