

3117

2011-2012 Regular Sessions

I N S E N A T E

February 9, 2011

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the public housing law, in relation to the keeping of certain household pets by persons sixty-two years of age or older

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

1 Section 1. The public housing law is amended by adding a new section  
2 223-c to read as follows:

3 S 223-C. DISCRIMINATION AGAINST PERSONS WHO HAVE CERTAIN HOUSEHOLD  
4 PETS. 1. NO PERSON WHO IS SIXTY-TWO YEARS OF AGE OR OLDER SHALL BE  
5 DENIED OCCUPANCY IN A DWELLING IN ANY HOUSING PROJECT OR BE SUBJECTED TO  
6 EVICTION FROM ANY SUCH DWELLING ON THE SOLE GROUND THAT SUCH PERSON HAS  
7 A COMMON HOUSEHOLD PET WHICH WILL OR DOES RESIDE WITH SUCH PERSON THERE-  
8 IN.

9 2. THE COMMISSIONER SHALL PROMULGATE REGULATIONS FOR THE KEEPING OF  
10 COMMON HOUSEHOLD PETS BY PERSONS SIXTY-TWO YEARS OF AGE OR OLDER WHO  
11 RESIDE IN A DWELLING IN ANY HOUSING PROJECT. SUCH REGULATIONS MAY  
12 INCLUDE CONSIDERATION, AFTER CONSULTATION WITH THE TENANTS OF SUCH HOUS-  
13 ING PROJECT, OF OTHER REASONABLE FACTORS TO GOVERN THE KEEPING OF COMMON  
14 HOUSEHOLD PETS SUCH AS DENSITY OF TENANTS, PET SIZE, POTENTIAL FINANCIAL  
15 OBLIGATIONS OF TENANTS, AND STANDARDS OF PET CARE. SUCH REGULATIONS MAY  
16 INCLUDE AND ALL PET OWNERS SHALL COMPLY WITH, THE FOLLOWING IF REQUIRED:

17 (A) INOCULATIONS AND LICENSING MANDATED BY STATE AND LOCAL LAWS;  
18 (B) SANITARY STANDARDS GOVERNING THE DISPOSAL OF PET WASTE;  
19 (C) LIMITING THE KEEPING OF COMMON HOUSEHOLD PETS TO ONE PER HOUSEHOLD  
20 AT ANY GIVEN TIME;  
21 (D) PET RESTRAINT IN COMMON AREAS;  
22 (E) PET REGISTRATION; AND  
23 (F) ALTERNATE CARETAKERS IN THE CASE OF SICKNESS OR INCAPACITY OF THE  
24 PET OWNER.

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

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1 3. MUNICIPAL HOUSING AUTHORITIES MAY PROMULGATE SUPPLEMENTARY RULES  
2 AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION, NOT INCON-  
3 SISTENT WITH THE PROVISIONS OF THIS SECTION OR THE COMMISSIONER'S REGU-  
4 LATIONS.

5 4. ANY PET WHOSE CONDUCT OR CONDITION IS DULY DETERMINED TO CONSTITUTE  
6 A NUISANCE OR A THREAT TO THE HEALTH OR SAFETY OF THE OTHER OCCUPANTS OF  
7 SUCH HOUSING PROJECT, OR OF OTHER PERSONS IN THE COMMUNITY WHERE SUCH  
8 HOUSING PROJECT IS LOCATED, MAY BE REMOVED BY THE MUNICIPAL HOUSING  
9 AUTHORITY, PUBLIC HEALTH OFFICER HAVING JURISDICTION, OR OTHER APPROPRI-  
10 ATE AUTHORITY OF THE COMMUNITY WHERE SUCH HOUSING PROJECT IS LOCATED.  
11 FOR PURPOSES OF THIS SECTION A NUISANCE MEANS THE SUBSTANTIAL INTERFER-  
12 ENCE WITH THE HEALTH, SAFETY, AND COMFORT OF THE OTHER TENANTS OF THE  
13 HOUSING PROJECT, OR OF OTHER PERSONS IN THE COMMUNITY WHERE SUCH HOUSING  
14 PROJECT IS LOCATED.

15 5. NOTHING IN THIS SECTION RELIEVES ANY PET OWNER FROM LIABILITY FOR  
16 THE REASONABLE COSTS DIRECTLY ATTRIBUTABLE TO ANY DAMAGE CAUSED BY THE  
17 PET, INCLUDING THE COST OF REPAIRS AND REPLACEMENTS THERETO.

18 6. ANY AGREEMENT BY A LESSEE OR TENANT WAIVING OR MODIFYING THE RIGHTS  
19 CONTAINED IN THIS SECTION FOR THE KEEPING OF COMMON HOUSEHOLD PETS BY  
20 PERSONS SIXTY-TWO YEARS OF AGE OR OLDER SHALL BE VOID AS CONTRARY TO  
21 PUBLIC POLICY.

22 7. FOR THE PURPOSES OF THIS SECTION, THE TERM "COMMON HOUSEHOLD PET"  
23 SHALL INCLUDE A DOG, CAT, GERBIL, HAMSTER, GUINEA PIG, BIRD, OR FISH.

24 S 2. This act shall take effect on the first of June in the year next  
25 succeeding the year in which it shall have become a law; provided that  
26 any regulations required for the implementation of this act shall be  
27 promulgated at least 30 days prior to such effective date.