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

1000

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PHEFFER, CLARK -- Multi-Sponsored by -- M. of A. CAHILL, McENENY, MILLMAN, ORTIZ, SWEENEY, TOWNS, WEINSTEIN -- read once and referred to the Committee on Housing

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:

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

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

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

(A) INOCULATIONS AND LICENSING MANDATED BY STATE AND LOCAL LAWS;

(B) SANITARY STANDARDS GOVERNING THE DISPOSAL OF PET WASTE;

(C) LIMITING THE KEEPING OF COMMON HOUSEHOLD PETS TO ONE PER HOUSEHOLD AT ANY GIVEN TIME;

(D) PET RESTRAINT IN COMMON AREAS;

(E) PET REGISTRATION; AND

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

LBD00646-01-1

(F) ALTERNATE CARETAKERS IN THE CASE OF SICKNESS OR INCAPACITY OF THE PET OWNER.

3. MUNICIPAL HOUSING AUTHORITIES MAY PROMULGATE SUPPLEMENTARY RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION, NOT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION OR THE COMMISSIONER'S REGULATIONS.

4. ANY PET WHOSE CONDUCT OR CONDITION IS DULY DETERMINED TO CONSTITUTE A NUISANCE OR A THREAT TO THE HEALTH OR SAFETY OF THE OTHER OCCUPANTS OF SUCH HOUSING PROJECT, OR OF OTHER PERSONS IN THE COMMUNITY WHERE SUCH HOUSING PROJECT IS LOCATED, MAY BE REMOVED BY THE MUNICIPAL HOUSING AUTHORITY, PUBLIC HEALTH OFFICER HAVING JURISDICTION, OR OTHER APPROPRIATE AUTHORITY OF THE COMMUNITY WHERE SUCH HOUSING PROJECT IS LOCATED. FOR PURPOSES OF THIS SECTION A NUISANCE MEANS THE SUBSTANTIAL INTERFERENCE WITH THE HEALTH, SAFETY, AND COMFORT OF THE OTHER TENANTS OF THE HOUSING PROJECT, OR OF OTHER PERSONS IN THE COMMUNITY WHERE SUCH HOUSING PROJECT IS LOCATED.

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

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

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

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