

3551--B

Cal. No. 716

2015-2016 Regular Sessions

I N   S E N A T E

February 12, 2015

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Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public housing law, in relation to the keeping of certain household pets by persons sixty years of age or older in buildings operated by the New York city housing authority

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 IN NEW YORK CITY HOUSING AUTHORITY BUILDINGS. 1. NO PERSON WHO IS  
5     SIXTY YEARS OF AGE OR OLDER SHALL BE DENIED OCCUPANCY IN A DWELLING IN  
6     ANY HOUSING PROJECT OPERATED BY THE NEW YORK CITY HOUSING AUTHORITY OR  
7     BE SUBJECTED TO EVICTION FROM ANY SUCH DWELLING ON THE SOLE GROUND THAT  
8     SUCH PERSON HAS A COMMON HOUSEHOLD PET WHICH WILL OR DOES RESIDE WITH  
9     SUCH PERSON THEREIN.  
10    2. THE NEW YORK CITY HOUSING AUTHORITY SHALL PROMULGATE REGULATIONS  
11    FOR THE KEEPING OF COMMON HOUSEHOLD PETS BY PERSONS SIXTY YEARS OF AGE  
12    OR OLDER WHO RESIDE IN A DWELLING IN HOUSING OPERATED BY SUCH AUTHORITY.  
13    SUCH REGULATIONS MAY INCLUDE CONSIDERATION, AFTER CONSULTATION WITH THE  
14    TENANTS OF SUCH HOUSING PROJECT, OF OTHER REASONABLE FACTORS TO GOVERN  
15    THE KEEPING OF COMMON HOUSEHOLD PETS SUCH AS DENSITY OF TENANTS, PET  
16    SIZE, BREED, POTENTIAL FINANCIAL OBLIGATIONS OF TENANTS, AND STANDARDS

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

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1 OF PET CARE. SUCH REGULATIONS MAY INCLUDE, BUT NOT BE LIMITED TO,  
2 REQUIRING ALL PET OWNERS TO COMPLY WITH:

3 (A) INOCULATIONS AND LICENSING MANDATED BY STATE AND LOCAL LAWS, IF  
4 APPLICABLE;

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

6 (C) PET RESTRAINT IN COMMON AREAS;

7 (D) ALTERNATE CARETAKERS IN THE CASE OF SICKNESS OR INCAPACITY OF THE  
8 PET OWNER;

9 (E) ANY FINANCIAL RESPONSIBILITIES FOR THE REASONABLE COSTS DIRECTLY  
10 ATTRIBUTABLE TO ANY DAMAGE CAUSED BY THE PET, INCLUDING THE COST OF  
11 REPAIRS AND REPLACEMENTS THERETO; AND

12 (F) THE APPEALS PROCESS FOR THE ATTEMPTED REMOVAL OF A PET PURSUANT TO  
13 SUBDIVISION THREE OF THIS SECTION.

14 3. ANY PET WHOSE CONDUCT OR CONDITION IS DULY DETERMINED TO CONSTITUTE  
15 A NUISANCE OR A THREAT TO THE HEALTH OR SAFETY OF THE OTHER OCCUPANTS OF  
16 THE SAME PROJECT, OR OF OTHER PERSONS IN THE COMMUNITY WHERE SUCH  
17 PROJECT IS LOCATED, MAY BE REMOVED BY THE NEW YORK CITY HOUSING AUTHORI-  
18 TY, PUBLIC HEALTH OFFICER HAVING JURISDICTION, OR OTHER APPROPRIATE  
19 AUTHORITY OF THE COMMUNITY WHERE SUCH PROJECT IS LOCATED; PROVIDED,  
20 HOWEVER, THAT PRIOR TO THE REMOVAL OF ANY PET, THE NEW YORK CITY HOUSING  
21 AUTHORITY, PUBLIC HEALTH OFFICER HAVING JURISDICTION, OR OTHER APPROPRI-  
22 ATE AUTHORITY OF THE COMMUNITY, WHICHEVER THE CASE MAY BE, MUST PROVIDE  
23 THE PET OWNER WITH A WRITTEN STATEMENT THAT SETS FORTH THE BASIS FOR THE  
24 REMOVAL. THE PET OWNER SHALL BE ABLE TO APPEAL SUCH WRITTEN FINDINGS.  
25 FOR PURPOSES OF THIS SECTION A NUISANCE MEANS THE SUBSTANTIAL INTERFER-  
26 ENCE WITH THE HEALTH, SAFETY, AND COMFORT OF THE OTHER TENANTS OF THE  
27 HOUSING PROJECT, OR OF OTHER PERSONS IN THE COMMUNITY WHERE SUCH HOUSING  
28 PROJECT IS LOCATED.

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

33 5. FOR THE PURPOSES OF THIS SECTION, THE TERM "COMMON HOUSEHOLD PET"  
34 SHALL INCLUDE, BUT NOT BE LIMITED TO, A DOG, CAT, BIRD, OR FISH.

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