

3551--A

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

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

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 YEARS OF AGE OR OLDER SHALL BE DENIED  
5     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. ALL MUNICIPAL HOUSING AUTHORITIES SHALL PROMULGATE REGULATIONS FOR  
10    THE KEEPING OF COMMON HOUSEHOLD PETS BY PERSONS SIXTY YEARS OF AGE OR  
11    OLDER WHO RESIDE IN A DWELLING IN ANY HOUSING PROJECT. SUCH REGULATIONS  
12    MAY INCLUDE CONSIDERATION, AFTER CONSULTATION WITH THE TENANTS OF SUCH  
13    HOUSING PROJECT, OF OTHER REASONABLE FACTORS TO GOVERN THE KEEPING OF  
14    COMMON HOUSEHOLD PETS SUCH AS DENSITY OF TENANTS, PET SIZE, POTENTIAL  
15    FINANCIAL OBLIGATIONS OF TENANTS, AND STANDARDS OF PET CARE. SUCH REGU-  
16    LATIONS MAY INCLUDE, BUT NOT BE LIMITED TO, REQUIRING ALL PET OWNERS TO  
17    COMPLY WITH:  
18    (A) INOCULATIONS AND LICENSING MANDATED BY STATE AND LOCAL LAWS, IF  
19    APPLICABLE;  
20    (B) SANITARY STANDARDS GOVERNING THE DISPOSAL OF PET WASTE;  
21    (C) PET RESTRAINT IN COMMON AREAS;

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

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1 (D) ALTERNATE CARETAKERS IN THE CASE OF SICKNESS OR INCAPACITY OF THE  
2 PET OWNER;

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

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

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

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

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

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