STATE OF NEW YORK

793

2017-2018 Regular Sessions

IN SENATE

January 4, 2017

Introduced by Sen. ALCANTARA -- 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 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:

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

§ 223-c. Discrimination against persons who have certain household pets in New York city housing authority buildings. 1. No person who is sixty years of age or older shall be denied occupancy in a dwelling in any housing project operated by the New York city housing authority 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 New York city housing authority shall promulgate regulations for the keeping of common household pets by persons sixty years of age or older who reside in a dwelling in housing operated by such authority. 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, breed, potential financial obligations of tenants, and standards of pet care. Such regulations may include, but not be limited to, requiring all pet owners to comply with:

(a) inoculations and licensing mandated by state and local laws, if applicable;

(b) sanitary standards governing the disposal of pet waste;

(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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(d) alternate caretakers in the case of sickness or incapacity of the pet owner;

(e) any financial responsibilities for the reasonable costs directly attributable to any damage caused by the pet, including the cost of repairs and replacements thereto; and

(f) the appeals process for the attempted removal of a pet pursuant to subdivision three of this section.

3. 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 the same project, or of other persons in the community where such project is located, may be removed by the New York city housing authority, public health officer having jurisdiction or other appropriate authority of the community where such project is located; provided, however, that prior to the removal of any pet, the New York city housing authority, public health officer having jurisdiction or other appropriate authority of the community, whichever the case may be, must provide the pet owner with a written statement that sets forth the basis for the removal. The pet owner shall be able to appeal such written findings. 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.

4. 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 years of age or older shall be void as contrary to public policy.

5. For the purposes of this section, the term "common household pet" shall include, but not be limited to, a dog, cat, bird or fish.

§ 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, however, that effective immediately, any regulations necessary for the implementation of this act are authorized and directed to be promulgated at least 30 days prior to such effective date.