

# STATE OF NEW YORK

6616

2019-2020 Regular Sessions

## IN ASSEMBLY

March 14, 2019

Introduced by M. of A. DE LA ROSA, ORTIZ, MOSLEY, WALKER, COLTON, CRES-  
PO, D'URSO, WILLIAMS, DICKENS, GOTTFRIED, BLAKE, BARRON, JOYNER,  
GLICK, SEAWRIGHT -- Multi-Sponsored by -- M. of A. COOK, HYNDMAN, RA,  
SIMON -- 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 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 Assem-  
bly, 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 § 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  
17 of pet care. Such regulations may include, but not be limited to,  
18 requiring all pet owners to comply with:

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

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

22 (c) pet restraint in common areas;

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

LBD10289-02-9

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 New York city housing authori-  
12 ty, public health officer having jurisdiction or other appropriate  
13 authority of the community where such project is located; provided,  
14 however, that prior to the removal of any pet, the New York city housing  
15 authority, public health officer having jurisdiction or other appropri-  
16 ate authority of the community, whichever the case may be, must provide  
17 the pet 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 4. 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 5. 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 § 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. Effective  
31 immediately, the addition, amendment and/or repeal of any rule or regu-  
32 lation necessary for the implementation of this act on its effective  
33 date are authorized to be made and completed on or before such effective  
34 date.