STATE OF NEW YORK

9086

IN SENATE

January 30, 2026

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

AN ACT to amend the civil rights law, the real property law and the public housing law, in relation to service animals and emotional support animals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The article heading of article 4-B of the civil rights law, as amended by chapter 404 of the laws of 1986, is amended to read as follows:

RIGHTS OF PERSONS WITH A [~~DISABILITY ACCOMPANIED BY GUIDE DOGS, HEARING DOGS OR SERVICE DOGS~~]
SERVICE ANIMAL OR EMOTIONAL SUPPORT ANIMAL

§ 2. Section 47-b of the civil rights law is amended by adding two new subdivisions 8 and 9 to read as follows:

8. For the purposes of this article, the term "service animal" means an animal that is individually trained to perform tasks for a person with a disability, where such tasks are directly related to such person's disability, and shall include, but not be limited to, guide dogs, hearing dogs, and service dogs.

9. For the purposes of this article, the term "emotional support animal" means an animal that provides therapeutic emotional support to an individual with a disability, for the purpose of alleviating one or more identified symptoms or effects, but that has not necessarily been trained to perform any specific tasks.

§ 3. The real property law is amended by adding a new section 227-g to read as follows:

§ 227-g. Housing accommodations for service animals and emotional support animals. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Service animal" shall have the same meaning as defined by section forty-seven-b of the civil rights law.

(b) "Emotional support animal" shall have the same meaning as defined by section forty-seven-b of the civil rights law.

(c) "Disability" shall have the same meaning as defined by section forty-seven-b of the civil rights law.

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

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(d) "Qualified practitioner" shall mean a physician licensed under article one hundred thirty-one of the education law, a psychologist licensed under article one hundred fifty-three of the education law, or a mental health counselor licensed under article one hundred sixty-three of the education law.

2. (a) A person with a disability shall be entitled to reasonable housing accommodations to accommodate such person's service animal or emotional support animal; provided, however that the landlord may require such person to provide documentation from a qualified practitioner who has personal knowledge of such person's disability and such person's need for such service animal or emotional support animal.

(b) A landlord may reject documentation submitted by a person with a disability pursuant to paragraph (a) of this subdivision that was obtained from a qualified practitioner through telehealth or telemedicine, as such terms are defined by section twenty-nine hundred ninety-nine-cc of the public health law, if such qualified practitioner has not evaluated such person with a disability outside of such telehealth or telemedicine service.

(c) A qualified practitioner that provides documentation under paragraph (a) of this subdivision, without personal knowledge of the person with a disability's disability and need for a service animal or emotional support animal in violation of paragraph (a) of this subdivision, shall be deemed to have engaged in professional misconduct pursuant to subdivision two of section sixty-five hundred nine of the education law.

3. The commissioner of housing and community renewal shall determine what qualifies as reasonable housing accommodations pursuant to subdivision two of this section.

§ 4. Section 223-b of the public housing law, as amended by chapter 221 of the laws of 2018, is amended to read as follows:

§ 223-b. Discrimination against a person [~~who is deaf or hard of hearing who has a hearing dog~~] with a service animal or emotional support animal. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Service animal" shall have the same meaning as defined by section forty-seven-b of the civil rights law.

(b) "Emotional support animal" shall have the same meaning as defined by section forty-seven-b of the civil rights law.

(c) "Disability" shall have the same meaning as defined by section forty-seven-b of the civil rights law.

(d) "Qualified practitioner" shall mean a physician licensed under article one hundred thirty-one of the education law, a psychologist licensed under article one hundred fifty-three of the education law, or a mental health counselor licensed under article one hundred sixty-three of the education law.

2. No person who is deaf or hard of hearing shall be denied occupancy in a dwelling in any project or be subjected to eviction from any such dwelling on the sole ground that such person owns a hearing dog as defined in section forty-seven-b of the civil rights law, provided, however, that if after occupancy a health hazard results on account of such dog, the public health officer having jurisdiction may take such corrective measures as may be appropriate.

3. (a) A person with a disability living in a dwelling in any project shall be entitled to reasonable housing accommodations to accommodate such person's service animal or emotional support animal; provided, however that the housing company or other owner or operator of such

project may require such person to provide documentation from a qualified practitioner who has personal knowledge of such person's disability and such person's need for such service animal or emotional support animal.

(b) A housing company or other owner or operator of a project may reject documentation submitted by a person with a disability pursuant to paragraph (a) of this subdivision that was obtained from a qualified practitioner through telehealth or telemedicine, as such terms are defined by section twenty-nine hundred ninety-nine-cc of the public health law, if such qualified practitioner has not evaluated such person with a disability outside of such telehealth or telemedicine service.

(c) A qualified practitioner that provides documentation under paragraph (a) of this subdivision, without personal knowledge of the person with a disability's disability and need for a service animal or emotional support animal in violation of paragraph (a) of this subdivision, shall be deemed to have engaged in professional misconduct pursuant to subdivision two of section sixty-five hundred nine of the education law.

4. The commissioner shall determine what qualifies as reasonable housing accommodations pursuant to subdivision three of this section.

§ 5. Section 47 of the civil rights law is amended by adding a new subdivision 3 to read as follows:

3. The provisions of this section shall not apply to emotional support animals.

§ 6. Section 47-a of the civil rights law, as amended by chapter 404 of the laws of 1986, is amended to read as follows:

§ 47-a. Employment of persons with a disability. 1. Unless it can be clearly shown that a person's disability would prevent such person from performing the particular job no person who is otherwise qualified shall be denied equal opportunities to obtain and/or maintain employment and/or to advance in position in [~~his~~] such person's job solely because said person is a person with a disability and is accompanied by a guide dog, hearing dog or service dog regardless of whether the employer or prospective employer is the state or any political subdivision thereof or any other category of employer.

2. The provisions of subdivision one of this section shall not apply to emotional support animals.

§ 7. Section 47-c of the civil rights law is amended by adding a new subdivision 3 to read as follows:

3. A person who intentionally misrepresents an animal as a service animal or emotional support animal for the purposes of obtaining housing accommodations pursuant to section two hundred twenty-seven-g of the real property law or section two hundred twenty-three-b of the public housing law shall:

(a) be guilty of a misdemeanor;

(b) be subject to a fine of up to five hundred dollars; and

(c) be required to perform thirty hours of community service for an organization that serves individuals with a disability, as determined by the court.

§ 8. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.