

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:

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

4 RIGHTS OF PERSONS WITH A [~~DISABILITY~~
5 ~~ACCOMPANIED BY GUIDE DOGS,~~
6 ~~HEARING DOGS OR SERVICE DOGS~~]

7 SERVICE ANIMAL OR EMOTIONAL SUPPORT ANIMAL

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

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

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

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

22 § 227-g. Housing accommodations for service animals and emotional
23 support animals. 1. For the purposes of this section, the following
24 terms shall have the following meanings:

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

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

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

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

LBD14590-01-6

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

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

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

19 (c) A qualified practitioner that provides documentation under para-
20 graph (a) of this subdivision, without personal knowledge of the person
21 with a disability's disability and need for a service animal or
22 emotional support animal in violation of paragraph (a) of this subdivi-
23 sion, shall be deemed to have engaged in professional misconduct pursu-
24 ant to subdivision two of section sixty-five hundred nine of the educa-
25 tion law.

26 3. The commissioner of housing and community renewal shall determine
27 what qualifies as reasonable housing accommodations pursuant to subdivi-
28 sion two of this section.

29 § 4. Section 223-b of the public housing law, as amended by chapter
30 221 of the laws of 2018, is amended to read as follows:

31 § 223-b. Discrimination against a person [~~who is deaf or hard of hear-~~
32 ~~ing who has a hearing dog~~] with a service animal or emotional support
33 animal. 1. For the purposes of this section, the following terms shall
34 have the following meanings:

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

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

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

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

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

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

1 project may require such person to provide documentation from a quali-
2 fied practitioner who has personal knowledge of such person's disability
3 and such person's need for such service animal or emotional support
4 animal.

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

12 (c) A qualified practitioner that provides documentation under para-
13 graph (a) of this subdivision, without personal knowledge of the person
14 with a disability's disability and need for a service animal or
15 emotional support animal in violation of paragraph (a) of this subdivi-
16 sion, shall be deemed to have engaged in professional misconduct pursu-
17 ant to subdivision two of section sixty-five hundred nine of the educa-
18 tion law.

19 4. The commissioner shall determine what qualifies as reasonable hous-
20 ing accommodations pursuant to subdivision three of this section.

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

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

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

27 § 47-a. Employment of persons with a disability. 1. Unless it can be
28 clearly shown that a person's disability would prevent such person from
29 performing the particular job no person who is otherwise qualified shall
30 be denied equal opportunities to obtain and/or maintain employment
31 and/or to advance in position in ~~his~~ such person's job solely because
32 said person is a person with a disability and is accompanied by a guide
33 dog, hearing dog or service dog regardless of whether the employer or
34 prospective employer is the state or any political subdivision thereof
35 or any other category of employer.

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

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

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

45 (a) be guilty of a misdemeanor;

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

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

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