

Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #1

May 19, 2017

S. 1878
A. 1594

By: Senator Avella
By: M. of A. Zebrowski
Senate Committee: Housing, Construction and
Community Development
Assembly Committee: Housing
Effective Date: Immediately

AN ACT to amend the public housing law and the real property law, in relation to discrimination against owners of specific breeds of dog.

LAW & SECTION REFERRED TO: Public Housing Law section 223-c and Real Property Law article 7 section 238-a

THE COMMITTEE ON ANIMALS AND THE LAW SUPPORTS THIS LEGISLATION

This Bill would amend the Public Housing Law and the Real Property Law by adding a new section to each law which prohibits taking action against persons living or seeking to live in public housing based upon their ownership of specific breeds of dogs, or on the weight or size of dogs. Both new sections of law would maintain the public housing authority's and the private landlord's right to impose reasonable restrictions upon dogs in general, as long as those restrictions are not based upon a particular breed of dog or its size or weight. This Bill would not restrict the ability of any authority or landlord to regulate the ownership of dogs that have been defined as "dangerous dogs" pursuant to section 123 of the Agriculture and Markets Law.

Although New York State law presently makes it illegal for municipalities to ban ownership of a particular breed of dog,¹ this Bill's sponsors note that many housing

¹ Pursuant to New York Agriculture and Markets Law §107(5), no municipality may promulgate any regulation that is specific as to dog breed, which would encompass breed discrimination against renters or potential renters in public housing. However current law does not address dogs of specific sizes or weights. Additionally, on a practical note, that law is not common knowledge to municipalities throughout the state, and is very likely to be known by people responsible for allowing access to or seeking access to public housing units. A law that specifically pertains to that situation can be added to the list of rights which is included in the literature available from the State, such as the Tenant's Rights Guide published by

organizations do impose bans upon ownership of particular breeds of dogs, or dogs of specific sizes or weights. Such bans have many negative consequences, upon both humans and their dogs: First, they impose emotional and/or financial hardships upon families living or seeking to live in such dwelling by forcing them to choose between their canine family member and a place to live. For families who choose to live with their dog, they may have to forego affordable housing. For families who choose to relinquish their dog, most likely to a municipal shelter, they must endure the consequences of knowing that their former pet very likely will not survive to live with another family.² Families who choose to live without a chosen dog, because of restrictions imposed by their landlord, would deny their children the companionship and happiness associated with living with a dog as well as the opportunity to learn the important life lessons of responsibility and compassion which come with living with pets. Additionally, a dog's needing to be walked outside provides families living with a dog an opportunity for simple and healthy physical activity on a daily basis.

Finally, families faced with the heart wrenching decision to give up their pet or their home may, quite reasonably, choose to give up their pet to a shelter or humane society. This would result in an increase of the already huge population of homeless dogs, or dogs being euthanized in shelters.

Significantly, this Bill does not seek to prevent housing authorities from imposing any regulations dealing with dog ownership, but just those pertaining solely to breed or the weight or height of certain dogs. Nor does it seek to prevent ownership of any dogs found to be dangerous dogs. What it does is take the focus off dogs determined to be dangerous dogs, under the law, and place it upon individual dogs and families and responsible ownership of dogs of all breeds. Thus, this Bill strikes a reasonable balance between the autonomy of landlords and housing authorities and the various ill effects of treating all dogs of certain breeds as "bad dogs" and punishing all who live with them.

For the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.

the Attorney General, Eric Schneiderman.

² As the sponsors note, certain breeds of dogs already are stigmatized, thereby making their survival at the shelter less likely.