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Title: A Local Law to amend the administrative code of the city of New York, in relation to clarifying the rights of pet owners in multiple dwellings.

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Int. No. 13

By Council Members Avella, Gonzalez, James, Palma, Mendez, Jackson, Brewer, Lappin, Nelson, Mark-Viverito, Gentile, Vacca, Garodnick, Koppell, Arroyo, Weprin, Gerson, Mealy, de Blasio, Foster, Stewart, Gioia, Yassky, Liu, Recchia Jr., Seabrook, Reyna, Barron, Crowley, Ferreras and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to clarifying the rights of pet owners in multiple dwellings.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 27-2009.1 of the administrative code of the city of New York is amended to read as follows:

b. Where a tenant in a multiple dwelling openly and notoriously for a period of three months or more following taking possession of a unit, harbors or has harbored a household pet or pets, the harboring of which is not prohibited by the multiple dwelling law, the housing maintenance or health codes of the city of New York

or any other applicable law, and the owner or his or her agent has knowledge of this fact, and such owner fails within this three month period to commence a summary proceeding or action to enforce a lease provision prohibiting the keeping of such household pets, such lease provision shall be deemed waived. This subdivision shall be applicable to any rental, cooperative, or condominium unit in a multiple dwelling.

§ 2.. Section 27-2009.1 of the administrative code of the city of New York is amended by relettering subdivisions c, d and e as subdivisions h, i and j, respectively, and by adding new subdivisions c, d, e, f and g to read as follows:

c. Where a tenant in a multiple dwelling openly and notoriously for a period of three months or more following taking possession of a unit, harbors or has harbored a household pet or pets, the harboring of which is not prohibited by the multiple dwelling law, the housing maintenance or health codes of the city of New York or any other applicable law, and the owner or his agent has knowledge of this fact, and such owner fails within this three month period to commence a summary proceeding or action to enforce a lease provision prohibiting the keeping of such household pets, such lease provision shall be deemed waived for the duration of the tenant's occupancy in such multiple dwelling for each species of household pet or pets that is harbored or was harbored in such multiple dwelling. This subdivision shall be applicable to any rental tenant in a multiple dwelling who currently is harboring or has harbored a household pet or pets at any time since July nineteenth, nineteen ninety-five during their occupancy in the multiple dwelling in which they currently reside.

d. A household pet or pets that is harbored or was harbored by a tenant in a multiple dwelling pursuant to the provisions of subdivision c of this section may be replaced by another pet or pets. However, at no time shall the total number of household pets in that multiple dwelling exceed the total number of pets that were harbored at the same time by such tenant in that multiple dwelling at any time since July nineteenth, nineteen ninety-five.

e. At the option of the owner, the species of a household pet that is harbored or was harbored in a multiple dwelling may be changed with the written permission of the owner.

f. No language contained in the provisions of this section shall be construed to limit the rights provided herein under subdivisions b, c and d of this section to a tenant in a multiple dwelling.

g. For the purposes of this section, the term agent shall not include those short term independent contractors who are tradesmen, such as plumbers, electricians or painters who the owner can demonstrate were not on, or who did not visit, the premises at least two times during any one month that the tenant harbors or has harbored a household pet or pets and shall also not include those security guard companies that are independent contractors whose personnel or subcontractors the owner can demonstrate were not on, or who did not visit, the premises at least two times during any one month that the tenant harbors or has harbored a household pet or pets.

§ 3. This local law shall take effect immediately and shall apply to existing and future leases and renewals and shall also apply to existing lawful occupancies.

Int. 747/2005
AS