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SB-971 Housing: household pets. (2021-2022)

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Senate Bill No. 971

CHAPTER 241

An act to amend Section 50466 of the Health and Safety Code, relating to housing.

[Approved by Governor September 02, 2022. Filed with Secretary of State September 02, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 971, Newman. Housing: household pets.

Existing law requires the Department of Housing and Community Development to require each housing development, as defined, that is financed on or after January 1, 2018, pursuant to the Zenovich-Moscone-Chacon Housing and Home Finance Act, to authorize a resident of the housing development to own or otherwise maintain one or more common household pets, as defined, within the resident's dwelling unit, subject to applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty.

Existing law establishes a low-income housing tax credit program pursuant to which the California Tax Credit Allocation Committee (CTCAC) provides procedures and requirements for the allocation, in modified conformity with federal law, of state insurance, personal income, and corporation tax credit amounts to qualified low-income housing projects that have been allocated, or qualify for, a federal low-income housing tax credit, and farmworker housing.

This bill would require any housing development that is financed on or after January 1, 2023, pursuant to the act or by any moneys administered or otherwise provided by the department, or that is the basis for the receipt, on or after January 1, 2023, of any low-income housing tax credit, as described, to authorize a resident of the housing development to own or otherwise maintain one or more common household pets, as defined, within the resident's dwelling unit, subject to applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty and other reasonable conditions, as defined. The bill would, among other things, prohibit the imposition of a monthly fee for the ownership or maintenance of a common household pet in these housing developments.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Each year tens of thousands of pets enter California animal shelters, and one of the most frequently cited reasons for relinquishment is a housing, moving, or landlord issue. Often, rehoming is the last option for a family, which has detrimental impacts on the physical and emotional wellbeing of the pet and the family.

(b) A majority of Americans consider their pets to be family members and nearly three-fourths of renters have pets, but many people have trouble finding housing because often properties advertised as “pet-friendly” include high fees and restrictions such as breed, weight, and number limits that create barriers for pet-owning tenants.

(c) Extensive restrictions on pet keeping disproportionately impact low-income households, limiting how they can define their families. Those restrictions force some families to choose between relinquishing a beloved pet and moving into or staying in a home. Due to those restrictions, there is a severe need for properties that welcome cats and dogs as pets at a reasonable cost.

(d) It is the intent of the Legislature in enacting this legislation to encourage housing developers, owners, and operators to increase pet-inclusive affordable housing in California.

SEC. 2. Section 50466 of the Health and Safety Code is amended to read:

50466. (a) (1) The department shall require each housing development that is financed on or after January 1, 2018, pursuant to this division, to authorize a resident of the housing development to own or otherwise maintain one or more common household pets within the resident’s dwelling unit, subject to applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty.

(2) (A) (i) Notwithstanding paragraph (1), the department shall require each housing development that is financed on or after January 1, 2023, pursuant to this division or by any moneys administered or otherwise provided by the department to authorize a resident of the housing development to own or otherwise maintain one or more common household pets within the resident’s dwelling unit, subject to applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty, and subject to other reasonable conditions.

(ii) Notwithstanding paragraph (1), any housing development that is the basis for the receipt, on or after January 1, 2023, of any low-income housing tax credit under Section 12206, 17058, or 23610.5 of the Revenue and Taxation Code shall authorize a resident of the housing development to own or otherwise maintain one or more common household pets within the resident’s dwelling unit, subject to applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty, and subject to other reasonable conditions.

(B) This paragraph shall not be construed to interfere with the ability to charge a refundable deposit pursuant to Section 1950.5 of the Civil Code. However, a monthly fee for the ownership or maintenance of common household pets in the housing development shall not be imposed.

(C) For purposes of this paragraph, “reasonable conditions” include, but are not limited to, policies on nuisance behaviors, leashing requirements, requirements to carry liability insurance coverage, limitations on the number of animals in a unit based on the unit’s size, and prohibitions on potentially dangerous or vicious dogs, as determined pursuant to Chapter 9 (commencing with Section 31601) of Division 14 of the Food and Agricultural Code. A “reasonable condition” does not include a prohibition on a breed of common household pets or a limitation on the weight of the common household pet.

(b) For purposes of this section, “common household pet” means a domesticated animal, including, but not limited to, a dog or cat, that is commonly kept in the home for pleasure rather than for commercial purposes.

(c) (1) This section shall not limit or otherwise affect eligibility for, or be included as a matter during the compliance period of, any credit under Section 12206, 17058, or 23610.5 of the Revenue and Taxation Code.

(2) This section shall not be construed to limit or otherwise affect applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty, or other statutes or laws that require reasonable accommodations to be made for an individual with a disability who maintains an animal to provide assistance, service, or support.

(3) This section does not alter or affect the rights and duties of a landlord with respect to control or preventing harm to third parties caused by a resident’s pet.