

Date of Hearing: April 19, 2017

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 1137 (Maienschein) – As Amended March 28, 2017

SUBJECT: Housing developments: pet permissibility

SUMMARY: Requires housing developments financed through the Department of Housing and Community Development (HCD) to authorize a resident of a housing development to own one or more common household pets. Specifically, **this bill:**

- 1) Provides that HCD shall require each housing development financed on or after January 1, 2018 to authorize a resident of the housing development to own or maintain one or more common household pets within the resident's unit, subject to applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty.
- 2) Defines "common household pet" as a domesticated animal, such as a dog or cat that is commonly kept in the home for pleasure rather than for commercial purposes.
- 3) Specifies that nothing in this section shall be construed to limit or otherwise affect 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.

EXISTING LAW:

- 1) Establishes HCD in the business, Consumer Services, and Housing Agency as responsible for administering various housing and home loan programs.
- 2) Requires reasonable accommodation for disable persons, allowing individuals to have assistance to support animals through the Federal Fair Housing Act (FHA) and the California Fair Employment and Housing Act (FEHA). (Cal. Government Code Section 12927, Cal. Government Code Section 12955-12955.1)
- 3) Pursuant to federal law, requires the federal Department of Housing and Urban Development (HUD) to have pet-friendly requirements for the housing it supports. These requirements include a pet-friendly requirement for any housing development that serves elderly or disable people and is subsidized or insured by HUD. Any public housing development financed by HUD has a pet-friendly requirement. (24 CFR Part 5; 24 CFR Section 960)
- 4) Requires, under the Mobilehome Residency Law, that no lease agreement entered into, modified, or renewed on or after January 1, 2001, shall prohibit a homeowner from keeping at least one pet within the park, subject to reasonable rules and regulations of the park. (Civil Code Section 798.33)
- 5) Requires that no governing documents shall prohibit the owner of a separate interest within a common interest development from keeping at least one pet within the common interest development, subject to reasonable rules and regulations of the association. ((Davis Stirling Common Interest Development Act) Civil Code Section 1360.5)

- 6) Pursuant to federal law, allows public housing programs and housing programs to place reasonable limitations on the size, weight, and type of common household pets allowed in the project. (24 CFR Section 5.318 (c))

FISCAL EFFECT: None

COMMENTS:

Background: The high cost of housing has had a growing impact on families with pets. A lack of pet friendly housing options has put some pet owners in a position of choosing between keeping their household pet or keeping a roof over their head. In Los Angeles, county shelters are filled past capacity with approximately 170,000 animals being taken every year. The American Society for the Prevention of Cruelty to Animals (ASPCA) Safety Net program recently found that over 30,000 dogs and cats are in Los Angeles shelters because their families surrendered them due to problems with housing.

Contributing to this problem is the increase in financial evictions across the state. This trend is especially pronounced in high cost housing markets. This puts emotional strain on families and burdens county shelters. A lack of pet friendly housing options is regularly cited as a reason that families relinquish their pet to local shelters.

Pets provide social and health benefits to families and individuals that they live with. According to the Centers for Disease Control and Prevention, pets have positive impacts at nearly every stage of life. They influence social, emotional, and cognitive development in children and promote an active lifestyle. They also provide emotional support, improve moods, and contribute to the overall morale of their owners, and promote socialization among the elderly and disabled. Studies have also shown that people with pets tend to have lower blood pressure, cholesterol, and triglyceride levels.

Developers of affordable housing generally strive to address multiple aspects of a household's quality of life. The benefits provided by pets are consistent with goals to holistically address the social, economic, and health outcomes for residents of affordable housing. Not only does pet friendly housing promote happier and healthier families, but it reduces the financial burden to shelters and the public.

Purpose: According to the author "AB 1137 would make future housing developments financed by HCD pet-friendly. HCD is responsible for the allocation of the majority of funding provided by the state for the development and rehabilitation of affordable housing. While the housing produced by HCD financing varies annually, in recent years, the Department has financed and average of nearly 6,000 housing units per year. By making this housing pet-friendly, thousands of households wouldn't be faced with the difficult decision of giving up their pet. A pet friendly policy could be implemented with the de minimis cost and disruption, but would have extraordinary benefits for families struggling to keep their pets. The law would build on precedent provided by HUD in providing pet-friendly housing."

Arguments in support: From the sponsor, "Some rental housing owners or property management companies may raise concerns about the costs associated with maintaining pet friendly housing or potential damage to housing units. However, when a nationwide empirical research study looked at the factors influencing the availability of pet-friendly rental units, it found that common reasons that landlords use to justify prohibiting pets, such as animals are too disruptive

and/or costly, were not validated. According to the study, *Companion Animal Renters Study: The Market for Rental Housing for People with Pets*, there is little if any difference in damage between tenants with and without pets. In fact, the greatest differential between damage from tenants with pets and those without was under \$40, with an average of \$323 in damage for tenants without pets and an average of \$362 for tenants with pets. It should be noted that this was not a statistically significant difference and could be due to random variation in the data. On the contrary, the study found that there are a number of benefits that landlords realize when they allow pets. For example, tenants in pet-friendly rentals remained an average of 46 months as compared to 18 months for tenants residing in rentals prohibiting pets. This means landlords can reduce operating costs that are attributable to frequent turnover in tenancy. Additionally, advertising expenses were reduced significantly for units that are pet-friendly housing at \$15 per unit compared to \$32 per unit for other housing and landlords needed to spend less than half the amount of time marketing pet-friendly housing. The average time it took to rent out a pet-friendly unit was 19 days compared to 29 days for non-pet friendly units. Finally, the vacancy rate for pet-friendly housing was significantly lower than housing that prohibited pets.”

Staff comment: This bill does not allow HCD to reasonably regulate pets in HCD financed housing. In other areas of the law that require pet-friendly housing there is a provision for the entity to create reasonable rules and regulations regarding the type and size of animals allowed in the housing. HUD regulations and state laws that regulate common interest developments and mobilehome parks have pet friendly requirements, but they all also allow the housing project, common interest development, or mobilehome park to create reasonable rules and regulations around what pets they do and do not allow. This bill does not allow HCD or any development to make reasonable rules and regulations past what is codified in applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty.

Committee amendment: On Page 2, line 9, insert “reasonable rules developed by the Department and all” after “subject to”

REGISTERED SUPPORT / OPPOSITION:

Support

ASPCA (Sponsor)
 Best Friends Animal Society
 California Rural Legal Assistance
 ConAm
 Domus Development
 Hitzke Development Corporation
 Humane Society of the United States
 Inner City Law Center
 LifeSteps
 Los Angeles County Board of Supervisors
 San Diego Humane Society
 San Francisco SPCA
 Social Compassion in Legislation
 State Humane Society of California

Tenants Together
Western Center for Law and Poverty

Opposition

None on file

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