

THE ANIMAL COUNCIL

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June 12, 2012

Via Facsimile 916.319.2188

The Honorable Mike Feuer, Chair
The Honorable Donald P. Wagner, Vice Chair
Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

Attention: Bill Consultant

Re: SB 1229, as amended May 10, 2012, Real Property Rentals, Animals- OPPOSE

Gentlemen:

Please register our opposition to the above-captioned bill and include our organization on your Committee's Bill Analysis opposition list with our apology for the late date of this letter. We had opposed the 2010 version of SB 1229, AB 2743, which was vetoed by Governor Schwarzenegger, and we must again oppose this bill.

Our interest in this bill is to ensure that the referenced elective veterinary procedures REMAIN legal options for owners, and we have no financial interest in veterinary practice. Rather, we want to protect everyone's rights to discuss and utilize elective veterinary procedures based on their individual pets and situations.

While the author and supporters premise their bill on their own support for owners' rights and interests in protecting their pets, they have never made factual showings of the need to codify the language describing these procedures. In fact, they now use the specific wording used in other jurisdictions to attempt legislation to prohibit and criminalize the procedures altogether – for veterinarians or owners, regardless of the facts and circumstances in individual cases. Rather they rely on allegations of ads on "Craig's List" to substantiate the reality of any problem, let alone need legislation to muzzle landlords.

These bills pose non-existent issues in order to de-legitimize – surreptitiously -- elective veterinary procedures unrelated to any tenancies. In plain English – "declawing" cats and "debarking" dogs, that are otherwise lawful veterinary practice in California as determined through the veterinarian-client relationship in regard to an individual animal patient of the owner-client. The widely expanded wording of procedures beyond the usual species by using non-specific "animal" is even more puzzling and troubling; we think signaling future intent of others to seek outright prohibition later. Certainly, the declawing advocates have already achieved this goal in California EXCEPT as to domestic cats.

However, as typically and selectively performed on animal patients in limited circumstances, only de-barking of

dogs would be a realistic concern in rental occupancies. Unlike cats that only damage the rented premises for which the tenant would be liable for repairs, other tenants and outside neighbors hear dogs' noise and may be greatly disturbed. Barking may or may not reach the threshold for legal action under local animal, noise or nuisance ordinances. If so, the consequences for dogs and owners can be severe.

Landlords do have some legal liabilities for preventing nuisances on their owned or managed premises, so the prospect of legal enforcement arising from mention of de-barking to a hapless, dog-owning tenant is a disincentive to offer, negotiate or maintain pet tenancies, particularly if tenants cannot or will not mitigate barking or remove the animal.

Another elective surgical procedure that some landlords actually do require is spay and neuter. This, too, should be left to determination within the veterinarian-client relationship. If SB 1229 were truly a needed, useful bill to protect pets from uncaring landlords, we would expect the author to offer this as an amendment to her bill.

We respectfully oppose this bill as harmful to both pets and tenants and is being proposed as an initial step toward the goal of prohibiting these options for any pet owners to keep their pets anywhere.

THE ANIMAL COUNCIL (TAC) is a California nonprofit, public benefit corporation founded in 1991 to seek positive, humane solutions to the challenges of detrimental animal public policies, legislation and regulation through study, analysis and application of animal husbandry, statistics and law, and at the same time preserve human benefit from all species, breeds and registries.

Very truly yours,



SHARON A. COLEMAN
President, The Animal Council

Cc: Authors, Members