

ASSEMBLY THIRD READING

AB 2216 (Haney)

As Amended March 18, 2024

Majority vote

SUMMARY

Requires landlords to accept pets in their rentals without charging any additional refundable or non-refundable fee.

Major Provisions

- 1) Defines "common household pet" as 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.
- 2) Defines "dwelling unit" as a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.
- 3) Provides that for purposes of this bill, "dwelling unit" does not include a room, bed, or other part of a dwelling unit that the landlord offers or otherwise makes available for occupancy separate from the household or common household.
- 4) Establishes that "reasonable justification" includes, but is not limited to, compliance with applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty.
- 5) Establishes that "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 provided.
- 6) Establishes that 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.
- 7) Prohibits a landlord from asking a prospective tenant whether they plan to own or maintain a common household pet in the tenant's dwelling unit prior to accepting their rental application for a dwelling unit.
- 8) Requires a prospective tenant to inform the landlord if they plan to own or otherwise maintain a common household pet in the tenant's dwelling unit at least 72 hours before entering into a rental agreement.
- 9) Prohibits a landlord from preventing a tenant from owning or otherwise maintaining a common household pet in the tenant's dwelling unit, including, but not limited to, imposing unreasonable restrictions on the breed, size, or number of common household pets, without reasonable justification.
- 10) Clarifies that the prohibition in 9) does not:

- a) Limit or otherwise affect a landlord's ability to impose reasonable conditions on common household pets.
 - b) 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 common household pet.
 - c) 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.
- 11) Establishes that 9)-10) apply only to rental agreements that were entered on or after January 1, 2025.
- 12) Prohibits a landlord from imposing a separate or additional rent on a tenant for the ownership or maintenance of a common household pet in the tenant's dwelling unit, unless such a provision existed in a rental agreement that was entered into before January 1, 2025.
- 13) Provides that a security deposit may be used to repair damages to the premises that may be caused by, or for any costs associated with, a common household pet that is owned or otherwise maintained by the tenant in the premises.

COMMENTS

This bill presents a paw-some revolution in rental policies. This measure, if successful, would be the first-in-the-nation to require landlords to accept pets in their rental properties without imposing any additional pet rents or security deposits.

Many renters are also pet owners. Nearly 17 million people in California—or 44% of its residents—rent their homes. According to supporters of this measure, close to 12 million (or 70%) of these renters are pet owners. Despite that fact, supporters of this measure report that pet-inclusive housing remains scarce, and expensive. According to a 2021 study, "72% of residents surveyed said that pet-friendly housing is hard to find, and 59% say it is too expensive." (Michelson Found Animals, 2021 *Pet-Inclusive Housing Initiative*, available at <https://www.petsandhousing.org/2021-pet-inclusive-housing-report/>.) Further, the majority of available pet-friendly housing tends to be highly controlled, typically with breed and weight restrictions or exorbitant monthly pet fees, resulting in the exclusion of a large portion of pet owners as eligible prospective tenants.

Existing legislation authorizes residents in affordable housing units to have a pet without imposing an additional pet rent. In 2017, the Legislature passed and the Governor signed AB 1137 (Maienschein) Chapter 791, Statutes of 2017, the Pet Friendly Housing Act of 2017, which required housing developments financed by the Department of Housing and Community Development to authorize a resident to own or otherwise maintain one or more common household pets within the resident's dwelling unit, subject to existing laws. The Legislature expanded on this in 2022, by requiring any newly-constructed affordable housing to permit tenants to have common household pets in their units without imposing a monthly fee for the ownership or maintenance of a common household pet in these housing developments. (SB 971, Newman, Chapter 241, Statutes of 2022.) These measures were overwhelmingly popular and voted on in almost complete unanimity.

This bill does much of the same— extended to all 44 million California renters. The bill requires all landlords to allow tenants to own or maintain pets in their units, and prohibits the landlord from charging a non-refundable pet fee. The landlord maintains the ability to prohibit a pet, or impose certain restrictions on breed, size, or number of common household pets, if the landlord provides a reasonable justification. The bill identifies the type of things that would be considered a reasonable justification, including, compliance with applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty.

According to the Author

Humans have owned pets for all recorded history and most people consider pets to be part of their families. Like it or not pet ownership is not going to go away anytime soon. A lack of pet-inclusive housing is one of the top reasons that pets are relinquished to animal shelters. Pet restrictions and exorbitant pet-related fees create barriers that make accessing housing even more out of reach for millions of Californians.

Recently, the Legislature has made some effort to protect tenants with pets. SB 971 (Newman) [Chapter 241, Statutes of] 2022 requires state funded affordable housing units to allow tenants to own one or more common household pets. However, this only covers a small group of renters with pets and most Californians remain unprotected.

The lack of pet friendly housing is also causing more than 829,000 tenants to have pets in their units without the knowledge of their landlord. This leaves landlords without adequate coverage for potential damages that could be mitigated if they knew their tenants had a pet – such as pet insurance or reasonable pet restrictions.

When left without a choice, many tenants are being forced to surrender their pets in overcrowded and under resourced shelters. A survey of 240 California based shelters revealed that 67,881 pets were surrendered by their owners, with the top reason being a lack of access to pet friendly housing.

One of our main strategies to address the housing crisis has been building more housing. We have to keep building housing, and much faster, but we won't be able to solve this crisis if 12 million people across the state are being denied access to that housing because they have a companion pet. The majority of renters in our state, pet owners, are denied access to the majority of rental units. That makes no sense at all and it's dramatically exacerbating the housing crisis. AB 2216 ensures access to housing for all California renters by prohibiting blanket pet bans.

Arguments in Support

The Humane Society of the United States, the bill's sponsor, explain the positive effects this measure will have on the crisis in our animal shelters:

According to Shelter Animals Count, the most trusted source of data for shelter animals, 900,000 pets have entered and lingered in shelters nationally since 2021, causing widespread overcrowding and capacity challenges. It should not be a surprise that a large percentage of dogs entering shelters and rescues are over 30 pounds, a common restriction in rental housing and one that makes it harder for families with larger dogs to keep them while [also] serving as a barrier to pet-adopters seeking a new dog... This legislation will provide welcome relief by allowing pets and families to stay together, refusing the likelihood of pet surrenders and expanding opportunities for new pet adoptions.

A coalition of progressive organizations, include Social Compassion in Legislation, GLIDE, and the Gubbio Project also support this measure:

According to an article from the LA Times, California has the second highest number of tenants in the country. Out of the 17 million families and individuals renting, close to 12 million (or 70%) of these renters are pet owners. Unfortunately, only 30% of available rentals in any given city are pet friendly. For instance – only 21% of the available rentals in San Francisco allow pets. Similarly, despite having close to 3 million pet-owning renters, only 26% of Los Angeles rentals allow pets.

Housing insecurity is the number two reason for pet relinquishment. Costly pet deposits, nonrefundable pet fees, and monthly pet rent make it increasingly difficult for renters to keep their pets. Pet restrictions and exorbitant pet-related fees create barriers that make housing affordability more difficult for millions of Californians. People will forgo opportunities to become housed or won't leave a dangerous living situation when they can't bring along their pet.

Arguments in Opposition

The California Apartment Association agrees that puppies and kittens are adorable, but disagrees with this proposal:

While we appreciate that pets can be a positive part of a household, the current law that caps a security deposit to one month's rent, limits a landlord's ability to recoup damages to the unit caused by a dog or cat. Puppies and kittens are indeed adorable, but they can cause extensive damage to a unit. At the termination of a tenancy, the added costs to bring a unit back to the condition that existed at the time the tenant took possession typically includes the cost to repair damages to the unit caused by a pet as well as professional carpet cleaning to ensure that a new tenant with allergies is not affected by the previous tenant's animals. We believe it is fair to give the landlord the option to allow pets while at the same time authorizing a higher security deposit to cover damages to the premises that may be caused by a pet.

Opposition also includes numerous individuals who submitted letters expressing concerns that this measure will increase rents, liability insurance costs from animal attacks, property damage costs, and ultimately push more landlords out of California and dissuade new landlords from entering.

FISCAL COMMENTS

None.

VOTES

ASM JUDICIARY: 9-1-2

YES: Kalra, Ting, Bryan, Connolly, Haney, Maienschein, McKinnor, Pacheco, Reyes

NO: Dixon

ABS, ABST OR NV: Sanchez, Waldron

UPDATED

VERSION: March 18, 2024

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