
SENATE COMMITTEE ON HOUSING
Senator Scott Wiener, Chair
2021 - 2022 Regular

Bill No: SB 971 **Hearing Date:** 3/24/2022
Author: Newman
Version: 3/10/2022 Amended
Urgency: No **Fiscal:** Yes
Consultant: Alison Hughes

SUBJECT: Housing: household pets.

DIGEST: This bill requires the Department of Housing and Community Development (HCD) and the Tax Credit Allocation Committee (TCAC) within the State Treasurer's Office (STO) to authorize a resident to own or otherwise maintain one or more common household pets within the residents dwelling unit, subject to applicable laws, as specified.

ANALYSIS:

Existing law:

- 1) Establishes a number of programs at HCD to make housing more affordable to California families and individuals, including the following main programs:
 - a) Multifamily Housing Program, which funds the new construction, rehabilitation, and preservation of permanent and transitional rental homes for lower income households through loans to local governments, non-profit developers, and for-profit developers.
 - b) Joe Serna, Jr., Farmworker Housing Program, which funds the development of ownership or rental homes for agricultural workers through grants to local governments and non-profit organizations.
 - c) CalHome Program, which funds downpayment assistance, home rehabilitation, counseling, self-help mortgage assistance programs and technical assistance for self-help and shared housing through grants and loans.
- 2) Requires HCD to require each housing development financed after January 1, 2018 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 state laws, a pet-friendly regulation adopted by the department,

and local government ordinances related to public health, animal control, and animal anticruelty.

- 3) Defines “common household pet” as a domesticated animal, such as a dog or cat, commonly kept in the home for pleasure rather than commercial purposes.
- 4) States that nothing 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.
- 5) Allows a state low-income housing tax credit (LIHTC) for costs related to construction, rehabilitation, or acquisition of low-income housing. This credit, which mirrors the federal LIHTC, may be used by taxpayers to offset the tax under the Personal Income Tax, the Corporation Tax, and the Insurance Tax laws.
- 6) Requires TCAC to annually allocate the California LIHTC based upon specified qualifications of the applicant and proposed project. The California LIHTC is available only to projects that receive an allocation of the federal LIHTC.
- 7) Requires reasonable accommodation for disabled 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).
- 8) 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.

This bill:

- 1) Defines “reasonable conditions” to include, but are not limited to, limitations on the number of animals in a unit based on the units size and prohibitions on potentially dangerous or vicious dogs. 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.
- 2) Requires, on or after January 1, 2023, HCD and TCAC, through this bill or through its funding programs, to authorize a resident of an HCD or TCAC

funded 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 ordinances related to public health, animal control, and animal anticruelty, and subject to other reasonable conditions.

- 3) Provides that this bill does not preclude a landlord from imposing a refundable security deposit, but that a monthly fee for the ownership or maintenance of common household pets shall not be imposed.

COMMENTS:

- 1) *Author's statement.* According to the author, “[a]s a part of its leadership in the animal welfare movement nationally, California consistently has prioritized the health and safety of companion animals and has been at the forefront of introducing policies and programs that protect the bond between people and their pets. SB 971 will ensure that the current significant funding and effort to protect pet owners experiencing homelessness extends to working people and families living in rental housing. People living in or seeking affordable rental housing should not be forced to experience the anguish and strain of relinquishing a beloved pet due to of a lack of access to safe, affordable, and pet-inclusive housing.”
- 2) *Background: pets in housing.* 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. Contributing to this problem is the increase in evictions across the state, particularly in high cost housing markets. This puts emotional strain on families, disproportionately low-income households, 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, 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.

- 3) *Pet Friendly Housing Act of 2017.* In 2017, the Legislature passed and the Governor signed AB 1137 (Maienschein, Chapter 791), the Pet Friendly

Housing Act of 2017, which required housing developments financed by HCD 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.

This bill would expand upon AB 1137 to also require TCAC funded projects to include pet friendly policies. Additionally, this bill would prohibit HCD and TCAC funded projects from placing limits on pet breeds and pet weight, and would prohibit monthly pet fees to be imposed for the ownership or maintenance of a common household pet in those projects.

RELATED LEGISLATION:

AB 1137 (Maienschein, Statutes of 2017, Chapter 791) — required housing developments financed by HCD 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Thursday, March 17, 2022.)

SUPPORT:

Humane Society of The United States (Sponsor)
American Society for The Prevention of Cruelty to Animals (ASPCA)
Best Friends Animal Society
Housing Equality & Advocacy Resource Team (HEART)
Mars, Incorporated
RedRover
Social Compassion in Legislation

OPPOSITION:

None received.

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