



Legislation Text

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File #: Int 0528-2024, Version: \*

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Int. No. 528

By Council Member Brannan

A Local Law to amend the administrative code of the city of New York, in relation to the waiver of covenants prohibiting pets

Be it enacted by the Council as follows:

Section 1. Section 27-2009.1 of the administrative code of the city of New York, as renumbered by chapter 836 of the laws of 1986, is amended to read as follows:

§ 27-2009.1 Rights and responsibilities of dwelling owners and [tenants] occupants in relation to pets. a. Legislative declaration. The council hereby finds that the enforcement of covenants [contained in multiple dwelling leases] which prohibit [the] dwelling occupants from harboring [of] household pets has led to [widespread] abuses by [building] dwelling owners [or] and their agents, who, knowing that a [tenant] dwelling occupant has a pet for an extended period of time, seek to evict the [tenant and/or his or her pet] occupant or to obtain an injunction against the occupant's continuing to harbor the pet, often for reasons unrelated to the creation of a nuisance. Because household pets are kept for reasons of safety and companionship and under the existence of a continuing housing emergency it is necessary to protect pet owners from retaliatory eviction or enforcement of covenants prohibiting pets and to safeguard the health, safety and welfare of [tenants] dwelling occupants who harbor pets under the circumstances provided [herein] in this section, it is hereby found that the enactment of the provisions of this section is necessary to prevent [potential] hardship on and dislocation of [tenants] dwelling occupants within this city.

b. Where a [tenant in a multiple] dwelling occupant openly and notoriously for a period of three months or more following taking possession of a unit, harbors or has harbored a household pet or pets, the harboring of

which is not prohibited by the multiple dwelling law, the housing maintenance or the health codes of the city of New York or any other applicable law, and the dwelling owner or [his or her] such owner's agent has knowledge of this fact, and such owner fails within this three month period to commence a summary proceeding or action to enforce a covenant or lease provision prohibiting the keeping of such household pets, such covenant or lease provision shall be deemed waived for each species of pet that is harbored or was harbored in such dwelling. Such waiver shall remain effective for the duration of the occupant's occupancy and shall permit the occupant to replace pets with pets of the same species.

c. This section applies to any dwelling occupant who harbors or has harbored a household pet or pets in the dwelling in which the occupant currently resides, at any time within the five years preceding the effective date of the local law that added this subdivision.

[c.] d. It shall be unlawful for an owner or his or her agent, by express terms or otherwise, to restrict a [tenant's] dwelling occupant's rights as provided in this section. Any such restriction shall be unenforceable and deemed void as against public policy.

[d.] e. The waiver provision of this section shall not apply where the harboring of a household pet causes damage to the subject premise, creates a nuisance or interferes substantially with the health, safety or welfare of other tenants or occupants of the same or an adjacent building or structure.

[e.] f. The New York city housing authority shall be exempt from the provisions of this section.

§ 2. This local law takes effect immediately.

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1/7/22 10:00pm