

---

## SENATE COMMITTEE ON APPROPRIATIONS

Senator Ricardo Lara, Chair  
2017 - 2018 Regular Session

---

### AB 1137 (Maienschein) - Housing developments: pet permissibility

**Version:** May 30, 2017

**Urgency:** No

**Hearing Date:** June 26, 2017

**Policy Vote:** T. & H. 13 - 0

**Mandate:** No

**Consultant:** Mark McKenzie

**This bill meets the criteria for referral to the Suspense File.**

**Bill Summary:** AB 1137 would require the Department of Housing and Community Development (HCD) to require each housing development financed on or after January 1, 2018 to allow residents to own one or more common household pets, subject to applicable state laws, local ordinances, and a pet-friendly housing regulation adopted by HCD, as specified.

**Fiscal Impact:** Unknown, potentially significant HCD costs (General Fund) to develop and adopt a pet-friendly housing regulation. (See staff comments below)

**Background:** Existing law establishes a number of affordable housing programs that are administered by HCD. There are no explicit requirements for pet accommodation in state-financed housing programs, with the exception of the Mobilehome Residency Law, which specifies that no lease agreements shall prohibit a homeowner from keeping at least one pet within the park, subject to reasonable park rules and regulations. In addition, the Davis Sterling Common Interest Development Act specifies that no governing documents shall prohibit an owner of a separate interest within a common interest development from keeping at least one pet, subject to reasonable rules and regulations of the association.

Existing law, under the Federal Fair Housing Act (FHA) and the California Fair Employment and Housing Act (FEHA), require reasonable accommodation for disabled persons, allowing individuals to have assistance to support animals.

Existing federal law requires the Department of Housing and Urban Development (HUD) to have pet-friendly requirements for the housing it supports, including a pet-friendly requirement for any housing development subsidized or insured by HUD that serves elderly or disabled persons. In addition, any public housing development financed by HUD has a pet-friendly requirement.

**Proposed Law:** AB 1137 would enact the Pet Friendly Housing Act of 2017, which requires HCD to require future housing developments financed on or after January 1, 2018 to authorize the resident of a development to own or otherwise maintain one or more common household pets within a dwelling unit, subject to applicable state laws, a pet-friendly housing regulation adopted by HCD, and local ordinances related to public health, animal control, and animal anticruelty. The bill explicitly states that it would not limit or affect existing laws that require reasonable accommodations for individuals with a disability who maintain an animal for assistance, service, or support.

**Staff Comments:** This bill is intended to alleviate the issues around a family choosing between keeping a pet and retaining an affordable housing option, and also to prevent overcrowding at county shelters that result from families surrendering pets due to problems associated with limited housing options. The lack of pet-friendly housing options is regularly cited as a reason that families surrender pets to local shelters.

HCD indicates that adopting a pet-friendly regulation could require a total of two PY of staff time (including legal staff) at a cost of up to \$272,000, one-time, to develop the regulation and carry it through the formal Administrative Procedures Act (APA) process. HCD notes that there are no other similar state pet-friendly housing regulations that could be used for guidance, so the regulation must be drafted from scratch and must be consistent with federal provisions and other requirements related to disability accommodations. Staff notes that it is unclear whether two full-time staff years would be needed to develop and adopt such a regulation, but actual costs would likely be significant, and dependent upon a number of factors, including the number of interested parties who participate in the public APA process.

HCD may also incur future costs for ongoing compliance efforts and responding to complaints and inquiries from residents, landlords, housing developers, and other interested parties.

-- END --