

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 7, 2010

AMENDED IN ASSEMBLY MAY 11, 2010

AMENDED IN ASSEMBLY APRIL 28, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2743

Introduced by Assembly Member Nava

February 19, 2010

An act to add Section 1942.7 to the Civil Code, relating to rental property.

LEGISLATIVE COUNSEL'S DIGEST

AB 2743, as amended, Nava. Real property: rentals: animals.

Existing law regulates the terms and conditions of residential tenancies and governs the obligations of tenants and landlords under a lease or tenancy.

This bill would prohibit a landlord, that allows a tenant to have an animal on the premises, from advertising or establishing rental policies in a manner that requires a tenant or a potential tenant with an animal to have that animal declawed or devocalized, for nontherapeutic purposes, as a condition of occupancy. This bill would impose a civil penalty, not to exceed \$1,000, for each violation that does not result in the declawing or devocalization of an animal. This bill would also impose a civil penalty, not to exceed \$2,500, for each animal that is declawed or devocalized in violation of this prohibition, to be paid to

the owner or owners of an animal that is declawed or devocalized in violation of these prohibitions. This bill would specifically authorize a person to seek declaratory or injunctive relief for a violation of this prohibition.

This bill would additionally authorize specified charitable organizations to enforce these prohibitions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares:
- 2 (a) Declawing and devocalizing are veterinary surgical
- 3 procedures that have irreversible effects on the animals that
- 4 undergo these procedures.
- 5 (b) Declawing and devocalizing have been associated with
- 6 unintended behavioral consequences that could lead to potential
- 7 public health and safety concerns; for example, increased
- 8 aggression and litter box avoidance by declawed cats and the
- 9 possible safety risk to law enforcement officers posed by a
- 10 devocalized dog present on property that law enforcement officers
- 11 have legal cause to enter.
- 12 (c) The permanence of these surgical procedures contrasts with
- 13 the temporary nature of the occupancy of real property owned by
- 14 another, which generally lasts only for a fixed term and may be
- 15 terminated upon notice by one of the parties.
- 16 (d) Therefore, it is the intent of the Legislature to restrict the
- 17 ability of a person or corporation to impose conditions on
- 18 occupancy of property that are based on declawing or devocalizing
- 19 an animal that is allowed on the premises.
- 20 SEC. 2. Section 1942.7 is added to the Civil Code, to read:
- 21 1942.7. (a) No person or corporation that occupies, owns,
- 22 manages, or provides services in connection with any real property,
- 23 including the individual's or corporation's agents or
- 24 successors-in-interest, and that allows an animal on the premises,
- 25 may do any of the following:
- 26 (1) Advertise, through any means, the availability of real
- 27 property for occupancy in a manner designed to discourage
- 28 application for occupancy of that real property because the
- 29 applicant's animal has not been declawed or devocalized.

1 (2) Refuse to allow the occupancy of any real property, refuse
2 to negotiate the occupancy of any real property, or to otherwise
3 make unavailable or deny to any other person the occupancy of
4 any real property because of that person's refusal to declaw or
5 devocalize any animal.

6 (3) Require any tenant or occupant of real property to declaw
7 or devocalize any animal allowed on the premises.

8 (4) Give preferential treatment in the terms of the right of
9 occupancy or the provision of services to another person because
10 that person owns an animal that has been declawed or devocalized.

11 (5) Discriminate in the terms of occupancy or the provision of
12 services against another person because that person owns an animal
13 that has not been declawed or devocalized.

14 (b) Nothing in this section shall prevent the inclusion, in an
15 occupancy agreement, of a provision that a present or potential
16 occupant may not declaw or devocalize any animal that will be
17 allowed on the premises.

18 (c) For purposes of this section, the following definitions apply:

19 (1) "Animal" means any mammal, bird, reptile, or amphibian.

20 (2) "Application for occupancy" means all phases of the process
21 of applying for the right to occupy real property, including, but
22 not limited to, filling out applications, interviewing, and submitting
23 references.

24 (3) "Claw" means a hardened keratinized modification of the
25 epidermis, or a hardened keratinized growth, that extends from
26 the end of the digits of certain mammals, birds, reptiles, and
27 amphibians, often commonly referred to as a "claw," "talon," or
28 "nail."

29 (4) "Declawing" means performing, procuring, or arranging for
30 any nontherapeutic surgical procedure, such as an onychectomy,
31 tendonectomy, or phalangectomy, to remove or to prevent the
32 normal function of an animal's claw or claws.

33 (5) "Devocalizing" means performing, procuring, or arranging
34 for any nontherapeutic surgical procedure such as a vocal
35 cordectomy, to remove an animal's vocal cords or to prevent the
36 normal function of an animal's vocal cords.

37 (6) "Nontherapeutic" refers to a surgical procedure that is
38 performed without there being a medical necessity to address the
39 medical condition of an animal, such as an existing or recurring
40 illness, infection, disease, injury, or abnormal condition that

1 compromises the animal's health. "Nontherapeutic" procedures
2 include those procedures performed for cosmetic or aesthetic
3 reasons, or reasons of perceived need or convenience in keeping
4 or handling the animal.

5 (7) "Owner" means any person who has any right, title, or
6 interest in real property.

7 (d) (1) In addition to any person harmed by a violation of this
8 section, an organization, formed in compliance with Section
9 501(c)(3) of the Internal Revenue Code, that is dedicated to the
10 protection of animals or whose mission includes the protection of
11 fair housing laws has standing to enforce this ~~section~~. ~~A person~~
12 ~~section and~~ may sue for declaratory relief, injunctive relief, or for
13 monetary relief as provided in paragraphs (2) and (3).

14 (2) In addition to any other penalty allowed by law, a violation
15 of this section that results in the declawing or devocalizing of an
16 animal shall result in a civil penalty of not more than two thousand
17 five hundred dollars (\$2,500), per animal, to be paid to the person
18 whose animal was declawed or devocalized in violation of this
19 section or to an organization, formed in compliance with Section
20 501(c)(3) of the Internal Revenue Code, that is authorized to bring
21 an action under this section.

22 (3) In addition to any other penalty allowed by law, a violation
23 of this section that does not result in the declawing or devocalizing
24 of an animal shall result in a civil penalty of not more than one
25 thousand dollars (\$1,000) to be paid to the plaintiff.