

Senate Bill No. 1229

CHAPTER 596

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

[Approved by Governor September 26, 2012. Filed with
Secretary of State September 26, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1229, Pavley. 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 as a condition of occupancy. The bill would authorize specified law enforcement prosecutorial entities to seek declaratory or injunctive relief for a violation of these prohibitions. The bill would impose a civil penalty, not to exceed \$1,000, for each violation of these provisions, to be paid to the law enforcement prosecutorial entity that brings the action.

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

SECTION 1. The Legislature finds and declares:

(a) The permanence of declawing and devocalizing contrasts with the temporary nature of the occupancy of real property owned by another, which generally lasts only for a fixed term and may be terminated upon notice by one of the parties.

(b) Therefore, it is the intent of the Legislature to restrict the ability of a person or corporation to impose conditions on occupancy of property that are based on declawing or devocalizing an animal that is allowed on the premises.

SEC. 2. Section 1942.7 is added to the Civil Code, to read:

1942.7. (a) A person or corporation that occupies, owns, manages, or provides services in connection with any real property, including the individual's or corporation's agents or successors in interest, and that allows an animal on the premises, shall not do any of the following:

(1) Advertise, through any means, the availability of real property for occupancy in a manner designed to discourage application for occupancy of that real property because an applicant's animal has not been declawed or devocalized.

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

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

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

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

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

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

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

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

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

(c) (1) A city attorney, district attorney, or other law enforcement prosecutorial entity has standing to enforce this section and may sue for declaratory relief or injunctive relief for a violation of this section, and to enforce the civil penalties provided in paragraphs (2) and (3).

(2) In addition to any other penalty allowed by law, a violation of paragraph (1) of subdivision (a) shall result in a civil penalty of not more than one thousand dollars (\$1,000) per advertisement, to be paid to the entity that is authorized to bring the action under this section.

(3) In addition to any other penalty allowed by law, a violation of paragraph (2) or (3) of subdivision (a) shall result in a civil penalty of not more than one thousand dollars (\$1,000) per animal, to be paid to the entity that is authorized to bring the action under this section.