

ORDINANCE NO. _____

An ordinance adding Article 17 to Chapter IV of the Los Angeles Municipal Code to allow tenants to possess pets in publicly-financed residential rental housing developments.

WHEREAS, the City of Los Angeles is committed to providing affordable housing to eligible individuals and families even if they have a pet;

WHEREAS, certain federal, state, and local housing finance programs are in place to fund affordable housing programs currently administered by the Housing and Community Investment Department;

WHEREAS, pet owners frequently relinquish their animals because of their inability to find rental housing allowing pets;

WHEREAS, the California legislature added Section 50466 to the California Health and Safety Code requiring each housing development financed on or after January 1, 2018, by the California Department of Housing and Community Development to allow pets;

WHEREAS, federal regulations allow pets in public housing subject to certain terms and conditions; and

WHEREAS, the City of Los Angeles desires to ensure that pet ownership does not pose a barrier to individuals or families who otherwise qualify for residence in publicly-financed rental housing.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Article 17 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

ARTICLE 17

PET OWNERSHIP IN PUBLICLY-FINANCED HOUSING DEVELOPMENTS

SEC. 51.20. FINDINGS AND PURPOSE.

The City of Los Angeles is experiencing a housing affordability crisis of unprecedented proportions, with estimates of the need for additional rental units ranging as high as 500,000 over the coming decade. While federal, state and local housing

finance programs are in place to help address this need, “no-pet” policies require tenants to choose between residence in these units and relinquishing their pets.

The growth in housing relocation over the past decade has exacerbated this problem. As the City promotes and assists in financing new, affordable housing, pet ownership should not pose a barrier to individuals and families who qualify for residence in publicly-financed rental housing. Federal and state laws already require allowing pets in certain publicly-financed housing developments, including California Health and Safety Code Section 50466 and 24 Code of Federal Regulations Part 960.

The purpose of this article is to ensure that tenants of a housing development financed by the City are allowed to maintain pets in their homes, consistent with and subject to applicable federal, state, and local laws and regulations.

SEC. 51.21. DEFINITIONS.

The following words and phrases, whenever used in this article, shall be construed as defined in this section.

A. **Department.** The Housing and Community Investment Department.

B. **Pet.** A common household domesticated animal such as a dog, cat, rabbit, bird, mouse, rat or similar small rodent, fish or turtle that is kept in the home for pleasure rather than for commercial purposes. “Pet” does not include any equine (including any horse, pony, donkey, burro or mule), swine, sheep, goat, cattle, poultry or other similar livestock. If this definition conflicts with any applicable state law or regulation defining the pets that may be owned or kept in residential dwellings, the state law or regulation shall apply.

C. **Public Financing or Publicly Financed.** Funding obtained from or through the City, including federal, state, and local funding sources, in the form of a loan and/or grant used to build new multi-family housing units. This term shall not include any local, state or federal rental subsidy or assistance such as those provided under 42 U.S.C. § 1437f.

D. **Rental Unit.** All dwelling units, efficiency dwelling units, guest rooms and suites, as defined in Section 12.03 of this Code, and all housing accommodations as defined in California Government Code Section 12927, as well as duplexes and condominiums rented or offered for rent for living or dwelling purposes, including the land and buildings appurtenant thereto, and all housing services, privileges, furnishings, and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. This term shall also include mobile homes, whether rent is paid for the mobile home and/or for the land upon which the mobile home is located. The term shall include recreational vehicles as defined in California Civil Code Section 799.29 if located in a mobile home park or recreational vehicle park whether rent is paid for the recreational vehicle and/or for the land upon which it is located.

E. **Tenant.** A tenant, subtenant, lessee, sublessee or any other person entitled to the use or occupancy of a rental unit.

SEC. 51.22. PET-FRIENDLY PUBLICLY-FINANCED HOUSING.

A. An applicant for, or a tenant of, a rental unit in a housing development publicly financed by or through the City on or after the effective date of this article, shall not be rejected on the basis of pet ownership, nor denied the ability to own or otherwise possess and maintain at least one pet per rental unit, provided that the pet is maintained in accordance with Article 3, Chapter V, of this Code pertaining to animals and fowls, and all other applicable state and local laws and regulations, including those related to public health and humane animal welfare, and guidelines and regulations promulgated by the Department in furtherance of this article. This article shall also apply to a publicly financed housing development for which a contractual modification or amendment, or additional public financing, is provided by or through the City, on or after the effective date of this article.

B. Each pet maintained pursuant to this article shall be spayed or neutered, vaccinated, implanted with an electronic animal identification device (microchip) and, if required, licensed. The pet shall be maintained consistent with all state and local laws and regulations, and not constitute a nuisance to the housing development and/or to the other tenants.

C. Any pet deposit charged to the tenant shall be reasonable and refundable. The pet deposit shall be used only to pay reasonable expenses directly related to the presence of the pet in the housing development, such as the cost of repairs and replacements to, and fumigation of, the tenant's rental unit. Pet deposits shall be administered consistent with state and local laws applicable to the retention of security deposits, interest on security deposits, and return of the deposit or portion thereof to the tenant, and any other applicable requirements.

D. The Department shall, in consultation with the Department of Animal Services, develop "pet policies" that provide guidance to ensure that the presence of pets in publicly-financed housing developments is done in a responsible, safe, and harmonious manner. The Department shall incorporate such "pet policies" in the Department's public financing regulations. The Department's public financing regulations shall require landlords to provide a copy of the "pet policies" to the tenants of such housing developments.

E. Nothing in this article 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.

F. Nothing in this article shall be construed to prohibit the removal of any common household pet from a housing development if the pet's conduct or condition is determined to constitute a violation of state or local law or a nuisance or a threat to the

health or safety of other occupants of the housing development, or of other persons in the community where the housing development is located.

SEC. 51.23. REMEDIES.

A. **Civil Liability.** A tenant may enforce the provisions of this article by means of a civil action. Any person who violates any provision of this article or who aids in any such violation is liable for actual damages or three times the amount of one month's rent that the landlord charges for the rental unit at issue, whichever is higher. The court may also award attorney's fees and costs.

B. **Equitable Relief.** Any person may bring an action for equitable relief against the landlord, including, but not limited to, an injunction, to secure compliance with the provisions of this article.

C. **Affirmative Defense.** This article may be asserted as an affirmative defense in an unlawful detainer action related to the ownership or maintenance of the pet in the rental unit.

D. **Nonexclusive Remedies and Penalties.** The remedies provided in this article are not exclusive, and nothing in this article shall preclude any person from seeking any other remedies, penalties, or procedures provided by law.

SEC. 51.24. SEVERABILITY.

If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this article which can be implemented without the invalid provisions, and to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this article and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
ELAINE ZHONG
Deputy City Attorney

Date 6-28-19

File No. 18-0350

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____