

THE ANIMAL COUNCIL

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September 19, 2012

Via Facsimile (916) 558-3160

Governor Jerry Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814

Re: Re: SB 1229, as amended August 24, 2012, Real Property Rentals, Animals - VETO REQUEST

Dear Governor Brown:

We urge you to veto SB 1229 that would codify Civil Code provisions describing elective veterinary procedures, supposedly to prohibit a landlord, who would allow an animal on the rented 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."

Our interest in this bill, and its predecessor in 2010, AB 2743 (Nava) is preserving the legality and access to elective veterinary procedures for which actual suitability is decided between veterinarians and owners with respect to individual animal patients within client relationships. On the surface, the bill proponents seem to say the same, but based on their actions – past and elsewhere – intend otherwise. They have never produced a person to testify to personal experience as a tenant when any landlord advertised or otherwise presented such policies. When questioned by legislators, proponents mentioned ads on Craig's List and email inquiries from cat owners. Our own searches have turned up nothing in California or elsewhere except citations for these bills – no ads or reports or complaints by tenants, tenant rights representatives or even other animal organizations.

In contrast, some landlords and other service providers for pets actually do and far more commonly require spay or neuter. Like "declawing" or "devocalizing", surgical sterilization also violates this bill's intent as stated in the findings as: "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." Yet, the proponents were not interested in adding sterilization to this bill so that public policy might acknowledge that even more common elective surgeries should also be left to veterinarian-client decision and timing for the best interests of individual animals.

Proponent The Paw Project has its main purpose the elimination of declawing cats. It succeeded with non-domestic cats but has failed in the legislature to achieve an outright ban for domestic cats. It is hard to believe these bills, AB 2743 and now SB 1229 are not part of yet another approach to achieve their organizational

purpose. For some cat owners with immune-compromising illnesses, alternatives to declawing do not adequately or effectively protect the owner from scratches, so that not having the option to declaw leads to the cat's loss of a home.

In 2010, the original AB 2743 used the traditional and plain language "debark", later amended to "devocalizing" which began to be used in prohibitory bills back East and then applied to all "animals", not just dogs whose barking is usually regulated by local ordinances. These local laws have varying standards and consequences, but some have drastic results for dogs and owners. In some situations, property owners could have liability for allowing persistent barking by tenants' dogs. The very public nuisance aspect of barking makes this issue very different from property damage caused by a scratching cat. Proponents told legislators that barking is easily controlled with "citronella collars" and "behavioral enrichment". Unfortunately, barking is a more complex issue for which an elective veterinary procedure, usually performed by specialists rather than local practitioners, is a selective tool that not all dog owners, let alone landlords, are aware exists – not to silence a dog but to reduce the volume of barking so that it is less audible at a distance.

The final amendments to SB 1229 on August 24 did restrict enforcement to public prosecutors in order to limit the possibilities for filing nuisance legal actions against landlords and address immediate practical concerns of legislators. Yet, no amendments can change the disingenuous and insidious nature of the bill. This now lays bare in the attempt to codify in the Civil Code these definitions, expansive beyond reality as to species – declawing and devocalizing "animals" – not just cats or dogs respectively.

We are simply dog owners who are concerned about preserving our own and others' rights to an option that is selectively appropriate for a small number of dogs and circumstances where its use may be the only tool to maintain an individual dog's home. Some of us, in the past, have owned de-barked dogs who remained noisy in close proximity but not to neighbors. That our current dogs have not been candidates for this procedure means only that our own circumstances have changed. Not everyone is so fortunate. For their interests, we must oppose SB 1229, because the eventual loss of options otherwise pursued by the bill's proponents would be far more detrimental to maintaining dogs or cats, not "animals" in their homes than a possible individual tenant rejecting any offensive landlord. No tenants **must** rent any particular premises, and landlords **may prohibit** animals altogether except service animals. No reasonable or necessary interests are advanced by SB 1229.

Accordingly, we ask that you veto SB 1229.

THE ANIMAL COUNCIL (TAC) is a California nonprofit, public benefit corporation founded in 1991 to seek positive, humane solutions to the challenges of detrimental animal public policies, legislation and regulation through study, analysis and application of animal husbandry, statistics and law, and at the same time preserve human benefit from all species, breeds and registries.

Very truly yours,



SHARON A. COLEMAN
President, The Animal Council