

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 1296 (Durazo)
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ID

SUBJECT

Real property: rentals: pet policy

DIGEST

This bill requires a landlord to disclose whether it allows pets in any advertisement, rental application, or lease agreement, requires landlords which allow pets to provide a copy of the pet policy or pet addendum, or a summary of it, with any rental application form, and requires that such pet policies include specified information.

EXECUTIVE SUMMARY

Many Californians have pets and benefit greatly from and enjoy having a pet. However, many landlords impose restrictions on tenants having pets, charge exorbitant pet rents or deposits, or even outright prohibit a tenant from having a pet in their unit. These restrictions can make it very difficult or cost prohibitive for tenants to have a pet and find housing in which they can have a pet. If a landlord's policies and restrictions regarding pets are not known by a prospective tenant, the tenant may spend considerable time applying for the unit and continuing through the process to rent the unit before realizing that they are no longer eligible because of their pet. SB 1296 requires a landlord to clearly disclose their pet policy in any digital advertisement, rental application, or lease agreement, and requires a landlord that allows pets to provide a copy or summary of their pet policy or pet addendum with any rental application form. It also requires that such a pet policy must include specified information, and requires a landlord to refund a prospective tenant's rental application fee if the landlord failed to disclose their pet policy and the tenant is no longer eligible or declines to proceed with their application due to the pet policy.

SB 1296 is sponsored by the Michelson Center of Public Policy, and is supported by a large number of nonprofits and humane societies. It is opposed by the Southern California Rental Housing Association, the Apartment Association of Orange County, and the East Bay Rental Housing Association.

PROPOSED CHANGES TO THE LAW

Existing federal law:

- 1) Establishes the Fair Housing Act to prohibit the discrimination on the basis of disability in housing-related transactions, and require that a housing provider provide a reasonable accommodation to the person with a disability, which can include allowing the resident to keep a pet even if the provider otherwise does not allow pets (42 U.S.C. §§ 3601 et seq.)

Existing law:

- 1) Establishes generally the relations between and responsibilities of landlords and tenants in residential leases (leasing of real property). (Civ. Code §§ 1940 et seq.)
- 2) Limits the amount of a security deposit a landlord can collect for a residential tenancy to no more than one month's rent, regardless of whether the property is furnished or unfurnished, except as specified. (Civ. Code § 1950.5 (c)(1).)
- 3) Specifies that, when a landlord or their agent receives a request to rent a residential property from an applicant, they may charge that applicant an application screening fee to cover the costs of obtaining information about the applicant, which may include, but is not limited to, personal reference checks and consumer credit reports. Limits this application screening fee to no more than the actual out-of-pocket costs of gathering the information concerning the applicant, and in no case to an amount greater than \$30 per applicant, adjustable for the increase in the Consumer Price Index. (Civ. Code § 1950.6.)
- 4) Specifies that a landlord may only charge an application screening fee when the application screening process complies with certain requirements, or when the landlord returns the application screening fee to any applicant not selected for tenancy, as specified. (Civ. Code § 1950.6(c).)
- 5) Prohibits a person or corporation that occupies, owns, manages, or provides services in connection with any real property that allows an animal on the premises from:
 - a) advertising the availability of real property for occupancy in a manner designed to discourage application for occupancy because the applicant's animal has not been declawed or devocalized;
 - b) refusing to allow or negotiate the occupancy of any real property, or otherwise making the real property unavailable to any person because of the person's refusal to declaw or devocalize any animal; and
 - c) requiring any tenant or occupant of real property to declaw or devocalize any animal allowed on the premises, as specified. (Civ. Code § 1942.7.)

- 6) Permits a city attorney, district attorney, or other law enforcement prosecutorial entity to enforce the provisions described in (5), above, through a civil action for declaratory or injunctive relief, and for civil penalties, as provided. (Civ. Code § 1942.7.)
- 7) Provides that a tenant has committed unlawful detainer when they continue in possession of the property without the landlord's permission after:
 - a) the tenant remains in possession of the premises after the expiration of the term of the tenancy without permission of the landlord or otherwise not permitted by law;
 - b) the tenant's nonpayment of rent and service of a 3-day notice to pay or quit, stating the amount that is due;
 - c) the tenant has breached a covenant of the lease or failed to perform other conditions under the lease, and after service of a 3-day notice requiring performance of such covenants or conditions;
 - d) the tenant has breached a covenant of the lease prohibiting subletting, assignment, or waste; has committed or permitted a nuisance on the premises; or used the premises for an unlawful purpose; and
 - e) the tenant gives written notice of the tenant's intention to terminate the tenancy, but fails to deliver possession of the premises to the landlord at the specified time. (Code of Civ. Proc. § 1161.)
- 8) Establishes the Fair Employment and Housing Act (FEHA) that, among other things, requires providers of housing accommodations provide a reasonable accommodation to a tenant with a disability, including by accommodating a service animal that assists the individual with managing their disability. Specifies that denials of such requests for reasonable accommodations can only be denied for limited reasons, such as if the accommodation would be an undue financial and administrative burden on the landlord. (Gov. Code §§ 1299 et seq.)

This bill:

- 1) Requires, if a landlord does not allow a tenant to keep pets on a residential rental property premises, that the landlord or their agent clearly disclose the no-pet policy in any advertisement, rental application, or lease agreement for the property. Requires this disclosure to include a statement that the no-pet policy does not apply to service animals or support animals that are required to be allowed on the premises pursuant to the California Fair Employment and Housing Act or the federal Fair Housing Act.
- 2) Requires, if a landlord allows a tenant to have a pet on the premises, that the landlord have a written pet policy, and that the landlord:

- a) Provide a hyperlink or other electronic means to access the property's pet policy or pet addendum on the property's website, as part of any digital advertisement for the property that is in control of the landlord, and in any information provided by the landlord for a residential rental search engine; and
 - b) Provide a written copy or summary of the pet policy or pet addendum with any rental application form, including electronically if the rental application is provided electronically.
- 3) Requires an established pet policy or pet addendum to include, to the extent applicable:
- a) any breed or weight restrictions;
 - b) any required fees, including their dollar amount, including upfront pet fees, refundable pet deposits, and monthly pet rent;
 - c) any limit on the number of pets allowed;
 - d) any vaccination requirements;
 - e) any liability insurance requirements; and
 - f) any other material rule, condition, or restriction applicable to a tenant keeping a pet at the property.
- 4) Specifies that a pet policy or pet addendum may not characterize any upfront pet fee as nonrefundable.
- 5) Permits a landlord to amend their established written pet policy or pet addendum prospectively, and specifies that, for purposes of its provisions, compliance shall be determined based on the established pet policy or pet addendum in effect at the time the rental application form is provided to a prospective applicant.
- 6) Specifies that a landlord shall not be liable for any omission, error, or failure to display the property's established written pet policy or pet addendum on a third-party website or platform if the third party obtained, scraped, or republished information from the property's website or digital advertisements without the express written permission of the landlord.
- 7) Specifies that a landlord substantially complies with these provisions if they provide a prospective applicant with the material terms of the property's established pet policy or addendum, and that a nonmaterial error or omission that is corrected upon notice does not constitute a violation of these provisions.
- 8) Requires that a rental application subject to these provisions include:
- a) a notice that, if the landlord fails to provide a written pet policy or addendum as required, and as a result the applicant is no longer eligible to rent or declines to proceed, the applicant is entitled to a refund of the

application fee; and a space for the prospective tenant to acknowledge receipt of the property's established pet policy or addendum.

- 9) Requires that, if a landlord or their agent charges an application fee but fails to disclose their pet policy before charging the fee, and the applicant is no longer eligible to rent the unit because of the pet policy or declines to proceed with the application because of the pet policy, the landlord must refund the application fee within five business days after receiving written notice from the applicant.
- 10) Specifies that the refund of the application fee described in (9), above, is the sole remedy available under these provisions, and that these provisions do not create a private right of action for damages, penalties, injunctive relief, or attorney's fees.
- 11) Specifies that its provisions do not require a landlord to allow pets, to create a website, or to digitally advertise a rental unit.
- 12) Specifies that its provisions do not alter, limit, expand, or affect any obligation or right under state or federal laws relating to service animals, support animals, or other assistance animals.
- 13) Defines, for its purposes:
 - a) "landlord" to mean a person who owns or manages a residential real property, or their agent;
 - b) "pet" to mean an animal except for a service animal or support animal that a landlord is required to allow a tenant to have pursuant to the California Fair Employment and Housing Act or the federal Fair Housing Act;
 - c) "pet addendum" to mean a writing that is part of a lease agreement that sets forth the rules and conditions for maintaining pets on a residential rental property premises; and
 - d) "pet policy" to mean the rules and conditions for maintaining pets on a residential rental property that is in writing.

COMMENTS

1. Author's statement

According to the author:

I am proud to author Senate Bill 1296, which requires rental properties to disclose any of their existing pet policies on property websites, digital advertisements and rental listings, application materials, and a visible on-site location for prospective tenants. The measure ensures tenants are not forced to pay non-refundable applications fees early on in their rental search process only to discover later in the

leasing process that their pet is not allowed in a home they hoped to secure. It does not require rental properties to create policies, but rather simply disclose any existing pet policies they may already have. These disclosures help ease the already challenging process pet owners experience when searching for a rental unit that allows them to live with their pets. After all, for many Californians, pets are not just animals. Pets are companions, sources of emotional support, and beloved members of the family.

Close to 80% of families in my district are renters, which is why this bill is even more important to me. In a state with 17 million renters, protecting stable housing for pet owners must remain a top priority, especially as rising rental costs continue to limit available housing options and further compound California's urgent housing crisis. Too often, prospective renters with pets struggle even more to find housing because the lack of transparency around pet policies forces them to choose between securing a stable home without their pets or continuing a costly and time-consuming search for housing that will accept their entire family. In some unfortunate cases, prospective tenants may even feel forced to relinquish their pets after paying non-refundable application fees, only to learn too late about a rental property's pet policies.

By establishing a transparent framework, SB 1296 helps renters avoid non-refundable fees and gives prospective renters the information they need to find housing where they can stay together with their pets and receive their comfort and support.

2. Pets are an important part of many Californians' lives

Almost 17 million Californians rent their apartments or homes, accounting for about 44% of all individuals in the state.¹ One industry report found that 59% of renters nationwide own a pet.² People get pets for many various reasons, including for companionship and for the joy and value that a pet can bring to a person's life. In fact, studies have shown that owning a pet is correlated with lower heart rates and blood pressure, increased hormones like cortisol, and an overall increased physical and mental well-being.³ Virtually all people surveyed – 98%, respectively – considered their

¹ Monica Davalos et al, California's 17 Million Renters Face Housing Instability and Inequity Before and After COVID-19, California Budget & Policy Center (Jan. 2021), available at <https://calbudgetcenter.org/resources/renters-face-housing-instability-and-inequity-before-and-after-covid-19/>.

² Manny Garcia, "Renters: Results from the Zillow Consumer Housing Trends Report 2025," Zillow (Oct. 27, 2025), <https://www.zillow.com/research/renters-housing-trends-report-2025-35647/>.

³ The Human Animal Bond Research Institute, *2021 Pet-Inclusive Housing Report*, Michelson Found Animals (2021), available at <https://www.petsandhousing.org/2021-pet-inclusive-housing-report/> (hereafter HABRI), p. 10.

pets to be important members of their families.⁴ As the adage goes, dogs (and pets generally) really are a person's best friend.

Yet having a pet as a renter in California can be both difficult and expensive. 72% of renters surveyed report that finding pet-friendly housing is hard to find, with 24% of pet-owning renters reporting having to move because of their pet.⁵ Additional data has found that more than 80% of renters nationwide reported that whether an apartment had pet-friendly policies impacted their apartment search, and that as many as 65% reported having to give up their pet due to not being able to find a pet-friendly apartment.⁶ The difficulty of pet-owners' search for pet-friendly housing stems from a number of causes. The first is that California generally does not prohibit a landlord from outright banning their tenants from having pets, and does not limit what a landlord can charge a tenant in order to have a pet. Thus, many apartment complexes outright prohibit pets, and many of the apartments that do allow pets charge an additional "pet rent" per pet every month, and possibly an additional deposit to cover any damage caused by the pet. By some reports, the average pet rent charged by landlords is \$49, while the average pet deposit (in addition to the security deposit) is \$232.⁷ In addition to the charges and pet deposits many landlords require of tenants with pets, landlords often also have strict limits on the type and size of the pet, and on the number of pets a tenant may have. If a tenant chooses to have a pet in violation of a prohibition against pets within their lease, they risk eviction.

3. Current law is limited in its protections for renters with pets

California is not without any laws with respect to tenants with pets. AB 1137 (Maienschein, Ch. 791, Stats. 2017), enacted into law in 2017, requires housing developments financed by the Department of Housing and Community Development (HCD) to allow a resident to own or otherwise maintain one or more pets in the resident's unit. (Health & Saf. Code § 50466.) A few years later, this law was expanded by AB 971 (Newman, Ch. 241, Stats. 2022), which applied it to housing developments funded by the low-income housing tax credit program, and specified that such housing developments may not charge a pet rent or prohibit any specific breeds or weight of the pet. (Health & Saf. Code § 50466(a)(2).) It should also be noted that California has placed limits on how much a landlord can charge for a security deposit. (Civ. Code § 1950.5.) Any pet deposit that a landlord charges would be considered part of the security deposit, and thus is included cumulatively with any other required deposit with regard to the state's deposit cap.

⁴ *Id.*, p. 6.

⁵ *Id.*

⁶ Jacqueline Pinedo, "Want a pet at your California rental? Know these state laws before signing a lease," *The Sacramento Bee* (May 16, 2023), available at <https://www.sacbee.com/news/california/article267838827.html>.

⁷ HABRI, *supra* note 2, p. 15.

State landlord-tenant law also provides some protections against a tenant being required to declaw or devocalize a pet when a landlord permits animals. (Civ. Code § 1942.7.) Specifically, current law prohibits a landlord that allows pets from advertising in a way meant to discourage tenancy because a rental applicant's pet is not declawed or devocalized, refusing to allow or negotiate with a tenant for occupancy because they refuse to declaw or devocalize their pet, and from requiring a tenant to declaw or devocalize their pet in order to have the pet on the premises. (Civ. Code § 1942.7(a).) It should be noted that the state also recently outlawed declawing (*See* AB 867 (Lee), Ch. 479, Stats. 2025).

In addition to these laws, federal anti-discrimination law and the Fair Housing Act, and California's Fair Employment and Housing Act provide additional protections for those who require a pet because of a disability. The Fair Housing Act (42 U.S.C. §§ 3601 et seq.) and various other federal civil rights laws prohibit discrimination on the basis of disability in housing-related transactions, and require that a housing provider provide a reasonable accommodation to the person with a disability, which can include allowing the resident to keep a pet even if the provider otherwise does not allow pets. Similarly, California's Fair Employment and Housing Act (FEHA) also requires that landlords provide a reasonable accommodation to a tenant with a disability, which likewise can entail accommodating a service animal that assists the individual with managing their disability. (Gov. Code §§ 1299 et seq.) Denials of such requests for reasonable accommodations can only be denied for limited reasons, such as if the accommodation would be an undue financial and administrative burden on the landlord. A landlord may not charge a tenant who has a service animal any pet rent, additional fee, or a pet deposit or additional insurance for their service animal. (2 Cal. Code Regs. § 12185(d).)

4. SB 1296 requires a landlord to provide its pet policy to potential renters

According to the author, because California law does not require the upfront disclosure of rental pet policies, renters often learn about pet restrictions, fees, or exclusion well into the application process, or sometimes after paying an application fee. This, according to the author, creates problems for both tenants and landlords, because landlords often cite misrepresentation of pets or service animals as a major challenge when screening prospective tenants, and tenants frequently cite unclear or undisclosed pet policies as barriers to finding housing.

To address these issues, SB 1296 requires landlords to be more transparent about their pet policies during the application process and in their advertisements. Specifically, it requires any landlord that does not allow pets to disclose this no-pet policy in any advertisement, rental application, or lease agreement for the property. This disclosure must include a statement that it does not apply to service animals or support animals permitted under state or federal anti-discrimination laws.

For landlords that do allow pets, SB 1296 requires that the landlord have a pet policy that includes, to the extent applicable: any breed or weight restrictions; any required fees, including pet deposits and monthly pet rent; any limit on the number of pets allowed in a unit; any vaccination requirements; any liability insurance requirements; and any other material rule, condition, or restriction on keeping a pet on the property. SB 1296 requires the landlord to provide a hyperlink to access the pet policy on the property's website, as part of any digital advertisement for the property that is under the control of the landlord, and in any information provided by the landlord for a rental search engine. It also requires a landlord to provide a written copy of their pet policy, or a summary, with any rental application form, and requires the landlord provide a copy of the pet policy electronically if the application itself is provided electronically.

If a landlord fails to provide their pet policy or a summary with the application form, SB 1296 requires that the landlord refund any application fee charged to the applicant when the applicant is no longer eligible for the rental or declines to proceed with the application due to the pet policy. The landlord must make this refund within five business days of receiving a written request from the applicant.

SB 1296 specifies that this is the sole remedy for a violation of its requirements. In addition, it specifies that landlords substantially comply with its requirements if the landlord provides a prospective tenant with the material terms of the pet policy, and that an immaterial error or omission that is corrected upon notice does not constitute a violation of the bill's requirements. Moreover, SB 1296 provides a landlord with protection from liability for any omission, error, or failure to display the property's pet policy on a third-party website or platform if the third party obtained, scraped, or republished information from the property's website or digital advertisement without the express written permission of the landlord.

Thus, SB 1296 is a transparency measure that will ensure prospective tenants know whether and what types of pets they can have if they rent the landlord's unit. Such information would make prospective tenants more informed, and more informed earlier in an application process. In addition, in their letter of support for the bill, the Animal Legal Defense Fund states that, in 2024, 1,538 animals were surrendered in Los Angeles County due to "housing-related hardships." Animal surrenders due to housing-related hardships place an extra burden on local governments who must spend more resources to house and care for these animals that would otherwise be in loving homes. If a prospective tenant knew in advance about the pet policies of the rental they were considering, they would be able to determine in a timely manner if that rental was right for their pet or the pet they were considering adding as a family member in the future, and could prevent many housing-related animal surrenders.

5. Arguments in support

According to the Michelson Center for Public Policy, which is the sponsor of SB 1296:

Current law provides limited protections for pet-owning tenants, such as prohibiting landlords from requiring that an animal be declawed or devocalized as a condition of occupancy. However, these protections do not address the lack of transparency regarding the disclosure of a property's full pet policy before an applicant pays an application fee. This results in prospective tenants losing nonrefundable application fees for units they were never eligible to inhabit due to undisclosed pet rules, including, but not limited to, breed or weight restrictions.

In California, 72% of renters say that pet-friendly housing is difficult to find, while 75% of renters believe the government should step in and make housing more pet-friendly. SB 1296 provides a critical solution, by requiring a landlord that allows tenants to have a pet on the premise, to provide applicants with a written copy or summary of the property's pet policy with any application form as well as include a link to its pet policy on the property's websites and digital advertisements. These disclosures must provide comprehensive details, including any breed or weight restrictions, upfront or monthly fees, vaccination requirements, and liability insurance needs.

By requiring clear and early disclosure of pet policies, SB 1296 removes unnecessary financial barriers for pet-owning renters and streamlines the application process for both parties. For these reasons, MCPP is pleased to sponsor SB 1296 and respectfully requests your "aye" vote.

6. Arguments in opposition

According to the Southern California Rental Housing Association, which is opposed to SB 1296:

As drafted, SB 1296 imposes rigid and highly prescriptive disclosure requirements across multiple platforms, including websites, digital advertisements, rental applications, and physical postings. While larger property management companies may be able to absorb these requirements, smaller landlords – who make up a substantial portion of California's rental housing stock – will struggle to comply.

Additionally, the bill mandates a full refund of application fees if a pet policy is not disclosed prior to charging the fee, regardless of whether the omission was inadvertent or whether the applicant ultimately proceeds without a pet. This

creates a disproportionate penalty for minor technical errors and invites unnecessary disputes. [...]

We respectfully request the following amendments to make the bill workable while preserving its intent:

Limit Disclosure to Primary Leasing Documents

Require pet policy disclosure only in the rental application or prior to lease execution, rather than in all advertisements and online listings.

Safe Harbor for Good-Faith Compliance

Provide a cure period (e.g., 5-10 days) allowing landlords to correct omissions before penalties apply.

Revise Application Fee Refund Requirement

Limit refunds to situations where:

- The applicant has a pet; and
- The undisclosed policy would have materially affected their decision to apply.

Allow Summary Disclosures

Permit a short-form summary of pet policies in advertisements, with a link or reference to full terms, rather than requiring complete details everywhere.

Clarify Control Over Third-Party Platforms

Specify that landlords are only responsible for disclosures on platforms they directly control, not third-party listing sites that may alter or truncate information.

Exemption or Reduced Requirements for Small Landlords

Consider a threshold (e.g., owners of 4 or fewer units) for simplified compliance obligations.

SUPPORT

Michelson Center for Public Policy (sponsor)
Human Animal Bond Research Institute (HABRI)
Alma Family Services
Animal Legal Defense Fund
Animal Wellness Action
Barrio Action Youth and Family Center
Best Friends Animal Society
Companions and Animals for Reform and Equity (CARE)
California Animal Welfare Association
California YIMBY
Center for a Humane Economy
Central City Neighborhood Partners
City of Berkeley Rent Stabilization Board

Coalition for Economic Survival (CES)
Humane Action Pennsylvania
Humane World for Animals
Inner City Struggle
Legacy LA
Miguel Contreras Foundation
Plaza De La Raza, Inc.
PowerCA Action
Proyecto Pastoral At Dolores Mission
San Diego Humane Society
Social Compassion in Legislation
Strategic Actions for a Just Economy (SAJE)
Valley Humane Society

OPPOSITION

Apartment Association of Orange County
East Bay Rental Housing Association
Southern California Rental Housing Association

RELATED LEGISLATION

Pending Legislation: AB 2609 (Caloza, 2026) prohibits an owner of a residential real property from charging a tenant additional rent in an amount in excess of one percent of the monthly rent for the residence of a common household pet in the unit, and would prohibit a landlord from charging a tenant an additional amount of security more than 15 percent of the monthly rent for a common household pet. AB 2609 is currently pending before the Assembly Judiciary Committee.

Prior Legislation:

AB 2493 (Pellerin, Ch. 966, Stats. 2024) prohibited a landlord from charging an application screening fee unless a unit is actually available, limited fees to the actual costs of reviewing the application, required credit-report copies and itemized receipts be provided to applicants, and required a landlord to refund application fees in certain circumstances.

AB 2216 (Haney, 2024) would have prohibited “no-pets” policies in rental housing, unless the landlord has a reasonable justification for denying a tenant’s common household pet. Would have restricted a landlord from asking about pets before approving a rental application and would have prohibited charging additional “pet rent,” though it would have allowed for deductions from a tenant’s deposit for repair and other costs associated with a common household pet. AB 2216 died in this Committee.

SB 971 (Newman, Ch. 241, Stats. 2022) expanded the Pet-Friendly Housing Act by requiring state-financed and Low-Income Housing Tax Credit (LIHTC) affordable housing to allow common household pets. Prohibited monthly pet rent and breed or weight bans, while permitting reasonable conditions.

SB 1482 (Chiu, Ch. 597, Stats. 2019) created the Tenant Protection Act of 2019 that, among other things, provided that tenants who have resided in their unit for at least a year cannot be evicted but for just-cause, with exceptions for certain housing, and prohibited rent increases from exceeding five percent plus the change in the consumer price index, or 10%, whichever is lower.

AB 1137 (Maienschein, Ch. 791, Stats. 2017) enacted the Pet-Friendly Housing Act, requiring Department of Housing and Community Development (HCD)-financed rental housing to allow tenants to have common household pets, subject to health and animal control laws, as specified.
