

Model Pet Ownership Policy

A guide for successful pet ownership in rental or public housing.

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 Government Affairs & Public Policy

This “**model pet ownership policy**” can assist all rental property owners and tenants where pet ownership is allowed, contemplated, or desired. However, it was developed with the particular needs of the nation’s Public Housing Authorities (PHA’s) and the residents of federally owned and operated housing in mind as they implement new pet-friendly rules as required under Section 526 of the *Quality Housing and Work Responsibility Act of 1998* (P.L. 105-276).

This model policy is offered both to suggest strategies for implementing the Final Rule published by the Department of Housing and Urban Development on July 10, 2000 (65 FR 42518-01) and to supplement that rule, which The ASPCA believes offers little in the way of meaningful guidance to housing managers and tenants. Successful programs for pet ownership in rental housing have a common denominator: Clear standards and expectations. Thus, this document suggests some additional “reasonable requirements” for pet ownership allowed under the law that The ASPCA regards as basic to a successful pet policy, while still allowing PHAs the flexibility they need to respond to their unique circumstances. These guidelines are based on The ASPCA’s own 136-year, hands-on experience with animal behavior, animal sheltering and adoptions, and the many facets of “pet ownership,” as well as others’ experiences with pets in public and other forms of rental housing.

There are two features that The ASPCA wants to emphasize: **spaying and neutering, and pet committees**. In our opinion, these two standards are indispensable to making pet ownership work well for everyone concerned –

the tenants, both those with companion animals and those without; management; the community; and, of course, the animals themselves.

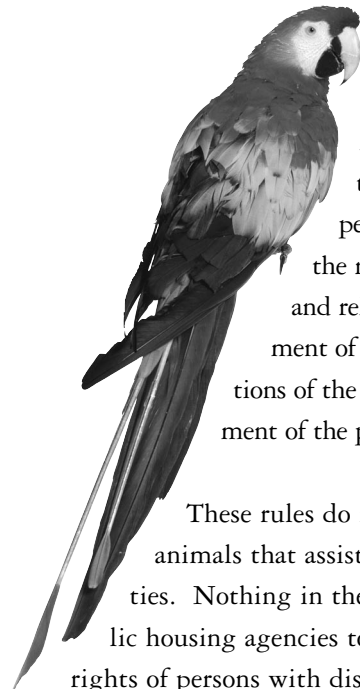
The **spaying and neutering of dogs and cats is an essential component of responsible pet ownership** and should be required as a condition of ownership, except where the surgery would be medically unsafe or unnecessary for the animal. A spay/neuter requirement will ensure that unwanted animal births are prevented and that pet ownership in federally assisted public housing does not contribute to the problems of indiscriminate breeding of dogs and cats and the resulting national pet overpopulation crisis that already strains overcrowded shelters. Moreover, **spaying/neutering has positive health and behavioral effects**. Perhaps the most significant benefit is that spayed/neutered dogs are three times less likely to bite than are dogs that have not been sterilized. Neutered male dogs and cats are less at risk for testicular cancer and do not engage in territorial urine marking. Spayed females do not experience heat cycles and exhibit less of the noise and aggression associated with a cycle. Spayed/neutered animals are also less likely to roam or bolt from their homes.

Clearly, **spaying/neutering** benefits the animal; the pet owner, through fewer safety and veterinary concerns; and other tenants and management, through reduced concerns about property damage and disruptive pet behavior. In any setting, but especially in dense multifamily complexes, spayed/neutered animals make better, more welcome tenants, as well as happier and healthier companions for their owners.



The American Society for the Prevention of Cruelty to Animals

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Pet Committees involve tenants directly in the implementation of the complex's pet ownership policy and the resolution of problems, and relieve housing management of the day-to-day operations of the program and enforcement of the pet rules.

These rules do not apply to service animals that assist persons with disabilities. Nothing in the new law allows public housing agencies to limit or impair the rights of persons with disabilities to keep a service animal. Moreover, the intent of the new law is to allow pet ownership in federal multi-family public housing. Thus, a PHA may not discriminate against pet owners or potential pet owners in connection with admission to, or continued occupancy of public housing.

Definition of a Common Household Pet

For purposes of these rules, a "common household pet" means a domesticated animal, such as a dog, cat, bird, rodent (including a rabbit), or fish, that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than commercial purposes. "Common household pet" does not include reptiles, nor does it include service animals used to assist persons with disabilities.

(If this definition conflicts with any applicable state or local law or regulation defining what is a "pet," then that law or regulation should be used in your pet policy.)

Limitations

The pet rules should place reasonable limitations on the number of "common household pets" that may be allowed in any one unit. In most cases, The ASPCA would encourage a PHA to permit tenants, subject to approval, to keep up to two dogs, cats, or other "common household pets" as defined above, except fish, in which case the tenant may keep no more than can be maintained in a safe and healthy manner in one tank. Requests for keeping more companion animals than allowed under the pet rules should not automatically be rejected, however; rather, they should be considered on a case-by-case basis, and the decision should take into account the kinds of animals involved (such as small birds) or other special circumstances (such as the desire not to separate animals that have been together for a long time).

The ASPCA recommends against any blanket prohibitions based on animal size, weight, or other factors. It should be remembered that, while the pet rules may, under the law, prohibit certain animals based on size and weight, the law specifically refers to "individual animals," thereby precluding generalized size/weight restrictions. The fact is, **the size of an animal is not directly related to its desirability as a tenant.** Some large dogs, for instance, are perfectly happy apartment dwellers. We therefore suggest that the pet policy provide guidelines for the size and weight of common household pets so that tenants will be aware of what is generally considered appropriate for their units, but that each animal be evaluated on its individual merit, based upon the facilities available.

Pet Ownership Requirements

1. Tenants must keep their companion animals responsibly, which means:

- Spaying or neutering companion animals consistent with the health and welfare of the animals (see "Registration," following page).
- Providing their companion animals with all required vaccinations and inoculations, appropriate and recommended veterinary care, as well as veterinary medical attention for acute or chronic illness, accidents, or other conditions that affect an animal's health and well-being.
- Licensing their pets in accordance with state and local law and regulations. **(Your pet rules should include the complete citation that applies.)**
- Appropriately training and caring for their companion animals to ensure that they are not a nuisance or danger to other tenants and do not damage housing property.
- Not subjecting, nor allowing others to subject, their companion animals to abuse, neglect, or inhumane or cruel treatment nor causing them pain, injury, or suffering, whether deliberately or through negligence.
- Ensuring that the pet is appropriately and effectively restrained and under the control of a responsible individual while in the common areas of the housing complex. Dogs and cats should either be on a halter leash or in a carrier.
- Not leaving companion animals unattended for more than 24 hours, or, in the case of dogs, 12 hours. If an absence is expected to be longer, the tenant should arrange for someone to check up on his/her animal and care for it as necessary.
- Not leaving pets outside other than for play and exercise (and not leaving them unattended if a fenced area attached to the tenant's unit is

unavailable). This would prohibit such situations as allowing cats to roam outside or keeping dogs primarily in backyards or in doghouses. This would not apply to allowing animals outside temporarily (other than for walking) as long as it is possible to confine the animal to the property without tethering or chaining.

2. Tenants with companion animals should pay a refundable pet deposit equal to no more than one month's rent, which will be held to pay for repairs, replacements, or any other expenses directly attributable to the presence of a particular tenant's pet(s) in the housing complex. The deposit will be held in an escrow account as provided under state and local law. Any unused portion will be refunded to the tenant within six months (or within such time as stipulated under applicable law) after he/she has moved or no longer has a pet. Upon approval, the pet deposit may be paid over a reasonable amount of time as agreed to by the PHA, with no more than 50 percent due upon registration.

(Under P.L. 105-276, the PHA may also assess a nominal monthly fee, not to exceed \$10 per month. The ASPCA urges PHAs not to impose this additional financial burden or to do so only once there is evidence that the presence of a particular pet will, in fact, impose a financial burden on the PHA, or should assess such a fee on dog and cat owners only. As an alternative, the PHA should consider charging a





one-time registration fee to cover the extra administrative costs of that function. If such a fee is charged, and a monthly fee imposed at a later time, the registration charge should be credited against that monthly fee.)

Registration

Pet owners must register their pets with the project owner/manager, in most cases *prior to* bringing the animal onto the premises. (Exceptions could be made for emergencies, such as a tenant rescuing a stray or injured animal. In such a case, the animal should be registered within 24 hours or the next business day.)

Registration should be updated annually (which could be coordinated with the annual reexamination of tenant income, if applicable).

Registration should include the following:

- Documentation from a veterinarian or a state or local authority empowered to inoculate animals (or designated agent of such an authority) attesting that the pet has received all inoculations required by applicable state and local law and that in his/her judgment, taking the animal's age, medical condition, and other factors into consideration, the pet appears to be receiving proper care. The ASPCA recommends that consideration be given to requests

to register a companion animal that has not been inoculated if the owner produces a statement from a veterinarian attesting that the pet should not be inoculated for medical reasons.

- At the time of registration or, in the case of underage

animals within 30 days of the pet reaching six (6) months of age, veterinary certification either that the pet has been spayed or neutered, or that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary.

- Proof that the pet has been licensed in compliance with local animal control laws.
- Information sufficient to identify the pet, including license tag number and a photo, and to demonstrate that it is a common household pet.
- The name, address, and phone number of one or more responsible parties who will care for the pet in the event that the owner is no longer able or willing to do so.
- Any additional information deemed necessary to ensure compliance with all pet rules.

The tenant should sign a statement indicating that he/she has read the pet rules, understands them, and agrees to comply with them. Noncompliance may result in forfeiture of the pet or eviction.

Reasons for refusal to register an animal:

- It is not a common household pet.
- The tenant refuses to provide complete pet registration information or to update the registration annually.
- The applicant has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order.
- The PHA determines that, based on the tenant's habits and practices, including conditions in the dwelling unit, he/she will not be able to keep the pet in compliance with the pet rules and other lease obligations; the pet's

behavior may be considered as a factor in determining the prospective pet owner's ability to comply with the pet rules or other lease obligations. Where a pet's behavior is determined to be a factor, the pet owner shall be entitled to use the services of a recognized animal behaviorist to remedy the behavior causing the problem before a final decision is made to remove the pet.

When registration is denied, the tenant should be provided with the reasons in writing (including notice of any pet rule violation[s]) within 10 business days of submission of an application for registration or reregistration and be given 30 days within which to appeal the decision through the Pet Committee or to amend the registration to comply with the pet rules.

The pet rules should provide for a member of the Pet Committee to be present at any proceeding where a determination will be made as to a tenant's ability to keep a companion animal.

Pets Temporarily on Premises

The pet policy should allow for short-term visits by nonresident pet owners and their companion animals, as long as such visitors register upon arrival and departure and the animals otherwise meet the "reasonable requirements" that apply to tenants' pets. The PHA may want to exempt from the registration requirement animals that are part of "visiting pet programs" sponsored by nonprofit organizations. This limitation does not apply to service animals.

Inspections

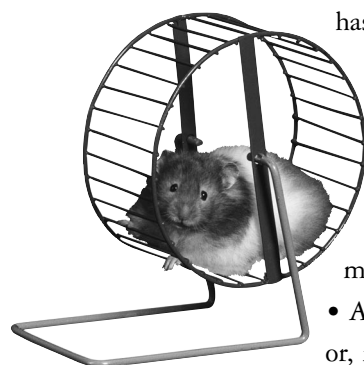
Pet owners should agree to periodic inspections (not less frequently than annually, and no more frequently than quarterly) to be sure pets and

units are being cared for properly. Units may also be subject to inspection when, in the opinion of the complex manager or PHA, there is a reasonable basis to believe that pets and/or units are not being cared for properly; that the health, well-being or safety of the pet is in danger; that the conduct or condition of the pet in the dwelling unit constitutes, under applicable state or local law, a nuisance or a threat to the health or safety of the occupants of the project or other persons in the community where the complex is located, or that a pet has caused substantial damage to the unit. No inspection should be conducted on the basis of an unsigned complaint, or on the basis of a complaint, signed or unsigned, that has not been submitted to the Pet Committee, and a member of the Pet Committee should be present during all such inspections.

Pet Committees

Each housing complex under the jurisdiction of a local PHA should establish a Pet Committee consisting of pet-owning tenants, non-pet owning tenants, representatives of local humane organizations and the animal sheltering community, animal behaviorists and veterinarians and/or their staffs, and other community volunteers knowledgeable in the field of pet ownership or public housing. Committee members from the community should have no affiliation with the local PHA. The Committee should be large enough to accommodate these communities of interest insofar as is possible without being unmanageable.

This Committee will reduce the housing manager's day-to-day pet-related workload by providing in-house





pet management. Its responsibilities will include but not necessarily be limited to the following:

- Review pet registration applications and recommend approval or denial.
- Review compliance with pet ownership regulations.
- Serve as the first point of contact in pet-related complaints, which should be provided in writing. The Committee should be empowered to investigate the dispute, interview the relevant parties and work with them to achieve a resolution, and enforce a decision. Any party dissatisfied with the resolution may appeal to the housing management.
- Determine appropriate responses in cases where a problem related to pet ownership has been found to exist, which may include, depending upon the severity of the infraction or whether it is a first-time or repeat offense, issuing a warning, setting a deadline for correction of the problem, imposing a fine, prohibiting pet ownership in the future (while allowing the current pet to remain), requiring that the pet be relinquished, or eviction.
- Although members of the Committee should not be paid, they can have reasonable out-of-pocket expenses reimbursed.

Alternative Care For Removal of a Pet

The PHA or on-site manager shall contact the alternative caretaker 24 hours after the Pet Committee or housing management has been unable to reach the owner under the following circumstances: It is clear that the owner is not caring for, or cannot care for, his/her companion animal; when a question about the health or well-being of the animal arises; the animal's behavior poses a

threat to other tenants or community residents; or there is a danger of serious bodily harm to a person or animal and two attempts to reach the owner have failed.

If the caretaker(s) cannot be reached or refuses to cooperate, the Pet Committee should attempt to find someone who will care for the pet temporarily or, if need be, permanently. If that effort fails, then the PHA or on-site manager may contact the appropriate state or local authority and request that it remove the pet from the unit and care for the pet until the pet owner or a representative is able to resume responsibility for the animal or, if not possible, for as long a period as is consistent with the facility's policy. In that case, all reasonable efforts should be made to adopt the animal to a suitable home. In no event shall an animal be released, transferred, or sold for use in research in those states that permit such release, transfer, or sale. The costs of such care will be the owner's responsibility, but if the owner is unable or unwilling to pay, then the pet deposit the owner has paid may be used to cover the expenses.

Separate provisions should be made for pet care when an owner's absence will be temporary but extended (due, for example, to a hospital stay). In such cases, where the alternate caretaker is unable or unwilling to care for the animal for the time needed but the owner did not have time to make other arrangements, the Pet Committee should make every effort to find a temporary placement with another resident or otherwise in a private home. (Local shelters can often help through referrals to foster care families.) Only in the event of the failure of these efforts under these special circumstances should a pet be placed in a shelter.

Dangerous Animals

HUD's Final Rule allows PHAs to prohibit "certain types of animals that the PHA classifies as dangerous, providing that such classifications are consistent with applicable state and local law..." The ASPCA believes that the language contained in the rules governing pet ownership in federal housing for the elderly and persons with disabilities provides an excellent method for addressing the problems of dangerous animals. Thus, we recommend that pet rules in multifamily housing include the following language:

"Nothing in this pet rule prohibits a PHA or appropriate community authority from requiring the removal of any animal from a project if the pet's conduct or condition is duly determined to constitute, under the provisions of state or local law, a nuisance or a threat to the health or safety of other occupants of the project or of other persons in the community where the project is located, or if the species of animal in question is prohibited under state or local law."

The ASPCA opposes bans on specific breeds of animals; such policies have been shown not to reduce problems associated with animals who, because of abuse, maltreatment, inhumane training or no training, and other factors related to how the animals is handled, become aggressive or "dangerous." Moreover, many state and local laws specifically prohibit breed bans. As reflected in the language above, it is more effective to address inappropriate dog or dog owner behavior. The ASPCA also recommends the following:

- The PHA and on-site manager should establish a formal mechanism for consulting with tenants in developing and revising pet rules and establishing the Pet Committee.

- The PHA should (1) provide a copy of the law, HUD's regulations, the PHA's own pet ownership standards, and Pet Committee contact information to all tenants and prospective tenants, and (2) post the same information in a common area of each building.
- All pet-owning tenants should sign and return to the PHA, the on-site manager, and the Pet Committee a statement indicating that they have read, understand, and will comply with the pet ownership standards of their PHA.
- HUD's Final Rule prohibits PHAs from requiring the removal of a pet's vocal cords. The ASPCA also opposes any requirement that a pet be declawed.
- Designation of areas on the project premises for pet exercise and deposit of pet waste
- PHAs should refer also to the two attached documents: (1) a revised version of the HUD rule pertaining to pet ownership in federally assisted housing for the elderly and disabled, which has been adapted for multi-family housing; and (2) the publication *Pets in People Places*, which was "written as a guide for designing a workable pet policy in both public and private multi-unit housing..."

