IMLA

Municipal Lawyer

THE JOURNAL OF LOCAL GOVERNMENT LAW

Ten Tips for Lawyer Well-Being in the Age of Coronavirus

MAY
JUN
2021
VOL.62
NO.03



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PETS

BY: **IMLA,** *Rockville, Maryland and*
BEST FRIENDS ANIMAL SOCIETY,
Kanab, Utah

Pet-Friendly Government Subsidized Housing: Good for Taxpayers and Pets[1]

Introduction

Pets are an ever-present part of our community, and increasingly so. According to the American Pet Products Association, 67% of U.S. households own a pet, or roughly 85 million homes.[2] And the numbers continue to climb, increasing by 11 percent over the last few decades.[3] Unsurprisingly, those millions of pet owners are a huge economic driver for local communities, spending nearly $100 billion annually for pet-related products and services.[4]

Luckily, there is a body of research that bolsters the case for truly inclusive and non-discriminatory pet-friendly housing, disproving the misconceptions about certain types of pets that continue to plague the market.[5] State and local governments have started to require that projects funded with taxpayer dollars be pet-friendly.

California's Pet Friendly Housing Act of 2017 is one example. The state law required the Department of Housing and Community Development to require each housing development that was financed after January 1, 2019 pursuant to the Zenovich-Moscone-Chacon Housing and Home Finance Act, to authorize a resident of the housing development to own or otherwise maintain one or more common household pets within the resident's dwelling unit, subject to applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty.

This chapter details ordinances and resolutions that local governments have utilized to address increasing pet-friendly housing. The solutions-based approach adopted by these municipalities will offer your community models to help keep pets and families together.

Barriers to inclusive public subsidized pet-friendly housing

According to a 2015 Harris Poll, 95% of pet owners consider their pet to be a member of the family.[6] It's no surprise, then, that given the struggles to find pet inclusive housing, research shows that pet owners who do find a place to rent that is welcoming to their family (including their pets) stay in the unit considerably longer than the average pet-free renter.[7] Property owners, too, reap the benefits of inclusive pet-friendly housing, with upwards of 86% of managers agreeing that pet-owners make for excellent tenants with whom they have positive relationships.[8]

In fact, that same research found that 93% of property managers believe that pets are important members of the family and that 81% say they would work to accommodate renters if they discovered an unapproved pet.[9] Yet the data also shows that inclusive pet-friendly housing continues to be elusive in most communities across the country.[10] Nearly a quarter of renters--close to six million people--have had to move at some point in their lives due to a housing restriction related to their pets.[11]

Even beyond the benefits to renters and property owners and managers, municipalities with inclusive pet-friendly housing options will see a dramatic reduction in owner-surrendered pets to their publicly financed animal shelters. Fewer surrendered pets will offer the shelter and municipality cost savings and budget flexibility, both of which are especially welcomed during crisis moments when revenues are strained.

To be clear, the broad scope of the housing crisis for pet owners has been confirmed, most recently with data collected by software company Shelterluv (and subsequently shared with Best Friends Animal Society).[12] Owners cited housing as the second most frequently offered reason for surrendering a pet cat or dog (at nearly 15%). The only reason offered more frequently was owner-requested-euthanasia. That 15% represents tens of thousands of families and pets that were separated because of housing restrictions. And while we do not have the data on the outcomes of those specific pets, the national save rate for shelters hovers around 79%, so it is reasonable to presume that a significant number of these pets were euthanized.

Research conducted by *My Pitbull is Family* (www.mypitbullisfamily.org), a housing advocacy organization that seeks to connect pet owners with inclusive rental properties, further illustrates the front-end problem.[13]

Specifically, the organization contacted 175 self-described "pet-friendly" properties throughout Massachusetts and found that only one of them accepted dogs of any breed, weight or size.[14]

For years, animal shelter workers and housing advocates had received consistent anecdotal evidence that housing was a problem in their communities, but now that we have verifiable research confirming the scope of the problem, there is a renewed urgency to act.

For municipalities, lowering those pet surrender numbers will translate to huge financial savings at local shelters, generating money that can be repurposed towards other lifesaving opportunities.[15] And given that property owners overwhelmingly support pet-friendly housing, a move towards greater inclusivity is likely to be welcomed by all.

All of these barriers are keeping responsible pet owners from securing and keeping housing. The data confirms that they have no correlation to improving the health, safety, or welfare of a community. The only thing they do is make an already tight housing market that much more inaccessible, especially to low-income communities. Inclusive housing will help your residents while also dramatically helping to save the lives of countless pets, and it will have the added benefit of saving money for your municipal shelter.

Encouraging pet-friendly publicly financed housing in your community

There are a number of tools a municipality can employ to help remove barriers to the housing crisis for people with pets, including in the public housing sector. While public housing agencies (PHAs) are governed by an independent board of commissioners (as authorized by state statute), the commissioners are typically appointed in full or in part by the mayor or the governing body of the municipality.[16] This gives municipalities a tremendous amount of influence over the policies enacted by the PHA and the ability to help shape those policies to be more inclusive for people and pets.

The federal government spoke to this issue in 1999, when the United States Housing Act of 1937 was amended to include a "pet ownership" section. The law states Congress' desire to make public housing more pet-friendly: "A resident of a dwelling unit in public housing… may own one or more common household pets or have one or more common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the public housing agency…"[17] All further policy choices should be made with this legislative intent in mind.

However, the statute and regulations offer individual PHAs flexibility subject to "reasonable requirements." Federal regulation 24 C.F.R. §960.707(b) permits PHAs to prohibit certain types of pets that the PHA classifies as "dangerous" and certain individual pets based on factors "including the size and weight of animals."[18] It also allows PHAs to restrict or prohibit the keeping of pets altogether based on the "size and type of building or project, or other relevant conditions."[19]

The regulations leave it up to the individual PHAs to shape their pet policies, but in effect what we see is many of these agencies contradict the intent of the law by placing onerous restrictions and prohibitions in place. For example, the Boston Housing Authority prohibits any pet over 50 pounds and also prohibits ownership of Doberman Pinschers, Pit Bulls, Rottweilers and "any mixed breed dog with identifiable characteristics specific to one of these breeds."[20] (It is worth noting that in 2012 Massachusetts passed a statewide preemption law prohibiting municipal -level breed-specific legislation).

As with the previously discussed breed, size, weight and type restrictions, the effects of these policies are devastating for pet owners. Many people are denied access to public housing, or those who do rent from a PHA and who own pets that do not align with the restrictions are forced to choose between housing, keeping their pets, or violating the rules. None of those options are just or equitable, and only serve to exacerbate the housing crisis. And as with every other type of restriction discussed, these inevitably lead to an increased number of owner-surrendered pets at the local shelter.

Some PHAs prohibit pet ownership altogether (relying on 24 C.F.R. §960.707(b)(4)). This problem was so widespread in Los Angeles and Los Angeles County that both jurisdictions passed Pet-Friendly Publicly Financed Housing ordinances guaranteeing that a tenant in a publicly-financed rental unit could keep at least one pet.[21] The pets need to be sterilized, microchipped and if required, licensed. Any pet deposit charged must be reasonable and refundable. We encourage municipalities to pass similar legislation to help protect residents and their pets.

Municipalities have the power to shape policy and law for pet-owning residents in public housing. First, ensure that the commissioners appointed to regulate the local PHA are aligned with your mission of creating rules that are inclusive and discrimination -free. If there are rules that restrict a person's right to own certain types of pets or certain breeds, sizes, or weights, make sure these rules are repealed and replaced with breed-neutral policies that focus on the behavior of the pet and the behavior of the owner. Next, consider passing an ordinance that codifies the intent of federal law, to encourage and expressly protect pet ownership in public housing.

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These tools will solve for many of the problems that low-income pet-owning residents regularly encounter. Every step taken to remove these outdated limitations is a step toward expanding housing opportunities for an already-vulnerable population. Removing any and all barriers will save money and will result in fewer animals being surrendered and euthanized at the municipal animal shelter. More importantly, it will save families from making the untenable choice of choosing their home or their family pet. ML

Editor's Note: IMLA and Best Friends Animal Society, a non-profit animal welfare organization, recently joined forces to create a manual providing background information, data, guidelines, and policies for dog-and-cat-related issues, and research-assisted solutions for localities nationwide. IMLA supports the mission to derive reasonable solutions to these issues, harmonizing animal welfare with the interests of residents and constraints of municipal budgets.

The manual comprises 10 chapters, discussing topics such as pet-inclusive public housing, empowering animal field officers, integrating animal services into your department, managing feral cat populations, foster care and adoption, public-private partnerships, and breed-neutral policies. The manual will be available in the near future for free download by IMLA members from our Resource Library and by others on Best Friend's website, network.bestfriends.org.

The above article discussing pet-friendly subsidized housing is the first in a series of chapters that *Municipal Lawyer* will feature.

Notes

1. This chapter addresses only public or government subsidized housing. While the authors encourage private owners to adopt similar measures, current insurance industry standards impose significant burdens on mandated requirements to do so. For that reason, the authors encourage state governments to prevent insurance companies from imposing breed specific, size or weight exceptions in liability policies.
2. https://www.americanpetproducts.org/press_industrytrends.asp.
3. *Id.*
4. *Id.*
5. *E.g.*, https://www.nationalcanineresearchcouncil.com/browse/research_library/.
6. https://theharrispoll.com/whether-furry-feathered-or-flippers-a-flapping-americans-continue-to-display-close-relationships-with-their-pets-2015-is-expected-to-continue-the-pet-industrys-more-than-two-decades-strong/
7. Michelson Found Animals Foundation and the Human Animal Bond Research Institute (HABRI), *Tackling Misconceptions about Pets in Rental Housing* (January 2020).
8. *Id.*
9. *Id.*
10. *Id.*
11. *Id.*
12. *See* The Best Friends Animal Society Pet Lifesaving Dashboard, https://bestfriends.org/2025-goal.
13. https://www.mypitbullisfamily.org/.
14. Data collected in 2019.
15. Analysis of data by Shelterluv of 87,304 Owner Surrenders from 2019.
16. *E.g.,* Mass Gen. Laws ch. 121b § 5.
17. United States Housing Act of 1937, 42 U.S.C. § 1437z-3.
18. 24 C.F.R. § 960.707(b)(3).
19. 24 C.F.R. § 960.707(b)(4).
20. *See* Boston Public Housing Authority *Family Public Housing Pet Policy*, https://bostonhousing.org/en/Policies/Family-public-housing-Pet-Policy.aspx.
21. Los Angeles Municipal Code §. 51.20 and Los Angeles County Code § 8.70.



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