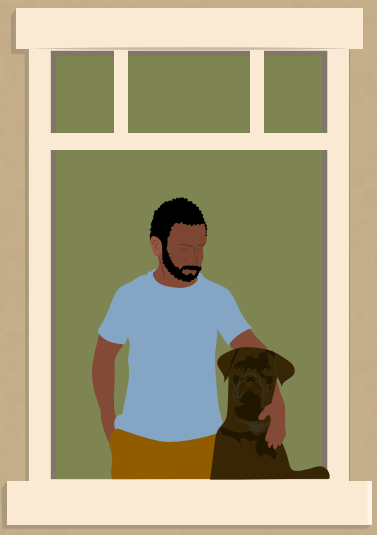
PEOPLE, PETS, AND POLICIES:

Towards Community Supported Animal Sheltering









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Towards Community Supported Animal Sheltering

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Best Friends
Save Them All



I would like to thank Chuck Thompson, Deanna Shahnami, and the entire staff and taskforce members of the International Municipal Lawyers Association for their tireless work on the community supported animal sheltering policies project. Best Friends Animal Society is proud of our longstanding collaboration with IMLA, and this work solidifies our joint commitment to safe and humane communities for people and pets.

Created out of new challenges faced during the COVID-19 pandemic, this project encompasses the quick evolution that all municipal governmental departments had to undertake, and the resulting innovations in animal sheltering that are worth continuing. In the early days of the pandemic when emergency stay-at-home orders forced closures, animal shelters called on their communities for support and those communities stepped up to be part of the solution on an unprecedented scale. Citizens who heard that animal shelters were going to be closed volunteered to be first-time fosters and many communities ramped up services like pet food pantries to keep dogs and cats out of the shelters and in homes with their families. Animal field service officers started reuniting animals with their owners before they ever entered the shelter, and more communities legalized trap, neuter, vaccinate, and return programs for healthy community cats instead of killing them. Many municipalities also chose this time to repeal their antiquated breed discriminatory/specific laws and replace them with breed neutral provisions set forth in IMLA's model dangerous dog ordinance.

The positive shifts we saw during the pandemic represent a new opportunity to evolve how we serve people and the pets they love. It is an opportunity to invest more meaningfully in services that prevent animals from ever having to enter the shelter in the first place. It is an opportunity to trust our communities to step-up and be part of the solution.

IMLA is the only national organization devoted exclusively to local government law and is a trusted resource for the best municipal ordinances and policies. Best Friends Animal Society is a leading national animal welfare organization focused on helping every shelter and every community in the country achieve no-kill status by the year 2025. We maintain the most comprehensive animal shelter dataset in the country which is publicly available at *bestfriends.org/2025*. Partnering together for this project highlights the importance of sound pet lifesaving policies in communities around the nation. The innovative animal sheltering procedures and ordinances contained in these ten chapters will help municipal lawyers guide their cities when considering a variety of measures, from pet inclusive housing to community cats. We encourage you to share these chapters with your city officials and colleagues and use them to implement stronger ordinances and policies for your community.

The leadership and insight shown by IMLA's staff and members in drafting this publication is a testament to their commitment to building better policies for pets and people alike. We are delighted to have had the opportunity to partner with you in creating this guide and stand ready and willing to support municipalities across the country in building safe and humane communities.

Sincerely,

Julie Castle
CEO, Best Friends Animal Society



IMLA is pleased to join forces with Best Friends Animal Society in producing *People, Pets, and Policies: Towards Community-Supported Animal Sheltering*. Best Friends has been a leader in promoting programs that seek to reconcile the fiscal and logistical realities faced by local governments with the goal of reducing pet euthanization and expanding the opportunities for pet adoption and ownership.

This manual, intended to provide municipalities with programs and policies that will encourage the humane treatment of animals, comprises 10 chapters discussing topics such as pet-inclusive public housing, empowering animal field officers, integrating animal services into municipal departments, managing feral cat populations, foster care and adoption services, telemedicine, volunteering at animal shelters, public-private partnerships, and breed-neutral policies and laws. It is the product of considerable work by IMLA and Best Friends and we offer it jointly, in the hopes that it will provide useful information and benchmarks as communities formulate their animal welfare regulations.

The manual will be available in digital form for free download by IMLA members on IMLA.org and by the public on Best Friends' website, network.bestfriends.org, and will be produced in print form by Best Friends for wide dissemination.

We thank Best Friends' CEO Julie Castle, Senior Legislative Attorney Ledy VanKavage, and all the Best Friends' contributors to the manual, as well as the many IMLA participants who brought *People, Pets, and Policies* to fruition.

Best regards,

Chuck Thompson
IMLA Executive Director and General Counsel

Chapter 1

Foster Care and Adoptions

Recommendations

You may be asking *why do we need to worry about adoption or foster?* The answer is cost. It costs money to house and care for animals. Between supplies like food, toys, vaccines, and other medications and the biggest cost, staff time. Animals are expensive for shelters to care for. The quicker an animal is adopted or put into foster, the less is spent on their in-shelter care. There are also numerous benefits to the animal's physical and behavioral well being too. The longer animals spend in the care of the shelter, the more stressed they get and the more likely they are to get sick, which usually means they are at lower risk of adoption and higher risk of euthanasia. With more animals in the shelter, there is less room for incoming animals and shelters end up with more animals to house than space and resources allow, which is when euthanasia becomes the go-to option to clear space. Euthanasia comes with its own expenses between the drugs needed and the cost of storing and disposing of the animals once they've been euthanized. When healthy animals are euthanized for space reasons, it takes a heavy toll on the staff, even if they're not the ones performing the euthanasia.

During COVID-19, many shelters and rescues called on their communities for help and those communities stepped up in a major way. This was particularly evident with community members volunteering to foster animals with many communities seeing an unprecedented increase in foster homes. National data shows that during the height of the COVID-19 crisis shelters saw a 47% increase in dogs in foster care and a 7% increase in cats in foster care.[1] Fosters have been and will be even more critical to sustaining lifesaving operations in a post-COVID world. Our laws, regulations, and policies should encourage more community-based fostering.

There are proven practices for effective adoption and foster programs that engage the community and gets them excited to help your municipal shelter. You can find many of these programs in the Humane Animal Control Manual resources listed at the end of this chapter.

In addition to the financial cost and effect on staff morale, euthanizing large numbers in your community also creates a bad public image and negative press. Shelters that euthanize a high number of animals are under the scrutiny of the public more because healthy animal's lives are being taken when simply implementing proven solution-based community-focused practices like fewer restrictions on adoptions and inclusive foster programs could solve nearly all of these problems.

From a liability perspective, it can be worrisome to think about officially changing your shelter's policies to allow for more adoptions. Any animal with a history of unprovoked aggression should not be put up for adoption. Every animal is an individual and their behavior before or during their time in a shelter is not always a good indicator of how they will behave post-adoption. Remember that the shelter is not capable of accurately predicting behavior in this way. Everything the shelter knows about the animal should be disclosed in its entirety, but additional tools like behavior assessments have not been shown to be a complete predictor of a dog's behavior after it leaves a shelter and no guarantees about a dog's behavior should ever be made to the adopter.[2]

Consider if the fears associated with liability from these programs outweigh the liabilities of euthanizing a healthy, treatable, adoptable animal. A shelter has reached no-kill status when 90% or more of the dogs and cats who enter its care leave alive. In a general population survey done in January of 2020, 81% of people felt it is very important to essential to have a no-kill shelter in their area. More importantly, the respondents were willing to take action to make it happen.

Adoption programs that are welcoming of all types of people, conversational in nature and consultative, help adopters find a well-matched pet while providing a great experience. They specifically remove what are seen as ineffective barriers to adoption like veterinarian checks (calling veterinary offices to check on vaccination and care history), background checks and landlord checks and include adoption promotions and times of lower fees. The most cost-effective programs in sheltering concentrate on getting animals out of the shelter and into homes quickly and effectively or keeping pets in homes with financial, veterinary, or pet food aid A well-managed shelter with a good public image will include high-volume adoption and foster programs.

Barriers to High Volume Adoption and Foster Programs

- Ordinances that put needless barriers in place, such as requiring home or background checks;
- Ordinances mandating intake or adoption fees at the shelter allowing for no staff discretion in waiving fees when appropriate;
- Concerns about liability and negative public opinion if a dog bites a new owner or others in the community;
- Potential for negative press if an animal adopted from the shelter is abused or neglected;
- Foster care providers require a lot of resources: supplies and advice as well as staff or volunteer time to monitor and track their animals;
- Concern that a person with a background of abusing animals could adopt or foster;
- Inexperienced/novice fosters or adopters inability to care for their animals;
- Discriminatory screening practices based on age, race, family, or economic status; and
- County budgets may require high adoption fees to achieve revenue goals and pay for operating expenses. This would prohibit fee waived adoptions to promote harder to adopt animals or events with special adoption fees.

Suggested Solutions

- Every adopter and foster should sign a contract waiving liability for animal's behaviors post-adoption or in a foster home. Shelters cannot guarantee the health or behavior of any animal but there are common-sense, practical solutions to mitigate these concerns. Sample contracts are provided at the end of this section.
- In certain cases where an animal has an extreme medical need or an unusual behavior history, additional waivers can be drafted explicitly outlining the history and needs of that pet.
- In more common cases, adopters can sign behavior notes and documents associated with the animal, to further document that the adopters/fosters were informed prior to taking the animal home.
- Providing adequate training guides or training opportunities for staff, volunteers, fosters and adopters. Publish organizational philosophies, codes of conduct and other resources reiterating consistent information about how to handle behavior situations. Address any issues right away and consistently.
- Give fee management and decisions, including the ability to waive fees for good cause, to the management staff at the shelter.

Successful Adoption Programs

Adoption philosophy and big picture view

Most people who come through the door to adopt want a pet for the right reasons. With that philosophy in mind, all program decisions should come from a place of trust. Focus on the overwhelming majority of the public who want to adopt or foster for reasons the community agrees with and will take great care of their adopted pets. Even with good intentions, some adopters will be confused about how to take care of a pet so be prepared with knowledge and resources to help some know what that is. In every interaction, the goal is to help each person be the best pet owner possible and establish a judgement-free, long-term relationship so that the shelter can remain a resource for the adopter.

Fees

Relying on revenue sources that are not dependent on the number of animals flowing through the shelter allows shelter leadership to focus on proven strategies to keep animals out of the shelter while helping pet owners in need. Many shelter budgets rely on adoption, in-take, and other types of fees as revenue requirements to offset expenses. Instead of a fee-based revenue model, models that include donations, grants and other fundraising elements should be encouraged as a better means to meet the long-term financial needs of the shelter.

Shelter Directors should be empowered and have the flexibility to increase or decrease adoption fees as they see appropriate in consideration of the age, health and length of stay of the animal along with the population of the shelter. Puppies and young small dogs can generate more income and older or larger pet fees can be reduced to encourage adoption. Adoption promotions can happen at the times of the year when shelter census is high, like during the summer months, which is "kitten season", to help the staff move animals out into the community much quicker and to increase the lives they save. If an animal is a special needs animal with health issues, the fee might be waived completely or greatly reduced.

A common misconception is that adopters who don't pay adoption fees are less likely to be able to financially support the animal or will feel less attached to the animal adopted. Everyone loves a good deal! It's illogical to assume that higher adoption fees change attachment levels between people and pets over time. Fee waived adoptions increase adoptions and, according to a study published in the Journal of Applied Animal Welfare Science, people who adopted cats with waived fees had the same degree of attachment as those who paid fees.[3] Additionally, the study found that eliminating fees did not devalue the cats in the eyes of the adopters.

Screening vs. putting up barriers

Evaluate your current criteria for adopters: what answers on the application result in an automatic denial of the adoption? Examine whether the things you are screening for are putting up arbitrary and unnecessary barriers to adoption that may actually be discriminatory and preventing positive outcomes. Any restriction placed on an adoption should be done simply to increase the animal's overall chance for survival or to allow for a successful adoption. For example, for a dog who's proven to be an "escape artist," there might be a valid requirement that his adopter's yard have an eight-foot fence or that the adopter agree to keep him on leash at all times. In other words, any restrictions should focus on the behavior of the individual dog.

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The shelter honestly has very little control over what happens to the animal when they leave the shelter and the desire to find the perfect home by exploring and cutting off any possibility for failure is not only futile, but actually counterproductive. Making perfect the enemy of good results in more pets languishing in the shelter and more pets needlessly being euthanized for space. Once a pet leaves the shelter, we simply cannot know what will happen. Our best bet for protecting the animal is forging a lasting relationship with the adopter so that if they do run into issues where they may not be able to keep the animal, they will return to us for help with resources or to bring the animal back if necessary. The unfortunate reality is that if people want to acquire a pet and you deny them an adoption, they can get a pet from a friend, neighbor, stranger on the internet or another shelter (they now know the answers to the questions on the adoption application). It is in our best interest, in most cases, to provide adopters with a sterilized and vaccinated animal versus driving them to acquire an intact and unvaccinated animal from a non-shelter source.

The following are some of the things typically used to screen adopters that should be reconsidered:

- Home checks and visits – These take up an enormous amount of staff time and since they are typically scheduled, the home can be altered to change or hide any obvious red flags. I certainly wouldn't want strangers coming into my home and it's important to understand how this requirement could make some adopters and staff uncomfortable. These checks also inject implicit bias into the screening, which is obviously something we should be working to remove from our processes.
- Landlord checks – It's important to explain to adopters that many landlords or HOAs have restrictions on pet ownership including breed, weight, size, or number of animals, along with additional pet deposits, pet rents and other requirements. However, no adopter wants to have to return their pet after their landlord rejects it and the onus to confirm that the adopted pet meets the requirements should be on the adopter, not on the shelter. If the adopter reports that the animal fits their landlord's requirements, they should be trusted. Of course, some landlords and tenants will miscommunicate, and some animals will be returned for this reason, but that should not be seen as a shelter's failure. Returns actually present shelters with the opportunity to know more about the pet's behavior in a home, and might help facilitate its next adoption. Instead of checking with the landlord, you can have the tenant bring in a copy of their lease or get a letter of consent from their landlord.
- Fence requirements – Dogs have complex sensory and exercise needs and access to a fenced back yard does not automatically meet these needs. It's important to explain the exercise needs of a particular dog to any potential adopter and ensure that they can be met, with or without access to a fenced yard.
- Background checks – Shelter staff are constantly exposed to some of the worst sides of humanity, and over time it can start to feel like there are more people with bad intentions towards animals than good. It's important to remember that most people who come to the shelter to adopt have honest intentions to care for the animal. Running background checks on each adopter takes time and resources which are in short supply. The chances of finding an adopter with an animal cruelty or neglect conviction on their record are so low it is not worth the amount of resources utilized. Plus, these types of checks further the distrust between the public and the shelter.
- Vet references – Many responsible pet owners, likely including some of the shelter staff, do not have pristine vaccine history on all of their pets. Taking the time to call veterinarians to verify details like vaccine history on current or previous pets is not worth staff time and definitely not an accurate way to determine whether a person is a responsible adopter
- Income verification – This is probably the toughest question for adopters and just as in the previous examples, not a way to screen for responsible adopters. Shelter staff will know that wealthy people with seemingly unlimited financial resources can be horrible to their pets while people on public assistance will put their pets needs before their own. Simply put, a person's income has no correlation to their fitness to adopt. It may also deter some people from even completing the application.

An alternative to some adoption procedures could be to offer training or educational opportunities for the adopter to bring the animal and interact with assistance from a qualified trainer. Behavioral issues that occur after adoption may be addressed in this manner and a pet remain in the home.

If your agency uses any of these as part of your screening, application, or overall adoption process, take some time to think about why you have them in place and how they impact the animals; are they serving the intended purpose or creating more missed opportunities? If you're trying to create more open-adoption programming, consider the restrictions placed on the animals at your agency. For instance, if your shelter has restrictions on the adopter's age for certain breeds, on the number or types of animals in the home for certain breeds or ages of animals, then we recommend that you examine the reasons *why* those restrictions exist and if the costs outweigh the benefits. One way to do this is to track how many adoptions were not able to go through in a certain timeframe due to these specific restrictions as well as complaints handled by animal control and the bases of those complaints. Similar to the barriers we place on prospective adopters, these restrictions are almost always based on myths, misperceptions, and implicit and explicit biases.

Keep in mind that every animal is an individual with individual needs and desires. When someone is interested in adopting a pet, you should evaluate whether that particular pet is a match for that particular adopter. Restrictive policies do not give people the broadest range of choice in selecting an animal or allow them to tell you how they would handle any issues that might arise.

Inclusiveness Matters

Restrictive screening in adoptions usually has a disparate impact on residents in already-marginalized communities. The low-income communities we tend to label as poor pet owners and deny adoptions to tend to have less access to veterinary care and training resources. Because they believe that they will be treated poorly or denied an adoption if they come to the shelter, they tend to get animals from each other instead of from the shelter. This can sometimes be labeled as "backyard breeding" and perpetuates both the cycle of unaltered animals with limited vet care and the shelter's labeling of this community as irresponsible pet owners. If we are more inclusive and encourage more people to adopt pets, even targeting these marginalized areas for adoption outreach and veterinary care, we will be reducing our community's pet overpopulation and building bridges with people.

People with limited resources love their pets as much as those with more resources. Many organizations have established pet food banks, low-cost medical and wellness services, and other community-focused services. Providing these services may seem outside of a shelter's mission but remember that providing these services while keeping the animal out of the shelter is always going to be less expensive than impounding the animal, caring for it and finding it a new home (or euthanizing them). Providing annual vaccination clinics and/or free training and behavior resources for adopters could assist in keeping the animal in the home also and encourage those with lower incomes or financial difficulties to adopt. These services help build a more diverse and inclusive community of potential adopters, fosters and volunteers, and also help the shelter achieve its mission. The bottom line is this: If people want a pet, they will get a pet. A vetted adopted pet is setting people up for success and provides a positive relationship with the shelter should future assistance ever be needed.

Measuring success

So, you've made a few changes and have incorporated more open-adoption policies at your shelter. How do you know whether your efforts have been successful? Think about what data you could collect to measure success with your new approach to adoptions. Here are some data points to consider:

- Number of adoptions (the end goal, a major metric)
- Time from intake to adoption (key to helping more animals
- Increase or decrease in returns
- Diversity of adopters (Are there any zip codes that are being left out?)
- Diversity of animals adopted
- Perception of the shelter in the community
- Number of adoption denials
- Volunteer applications and hours
- In-kind and monetary donations
- Complaints from the public to animal control or other city agencies regarding nuisance or failure to comply with the laws
- Returns or impounds

Successful Foster Programs

Program Overview

By offering a foster program, you can reduce the number of animals in the shelter and increase successful outcomes for more animals and people in your community. Some of the benefits of foster programs include:

- Engagement with community members who love animals and are willing to open their homes temporarily to pets in need. Many fosters are not able to make a long-term adoption commitment and enjoy getting their pet fix this way. Getting adoptable animals used to living in a home setting and learning more about their behavior. This helps make successful adoption matches and adopters feel more informed knowing the animal has been in a home setting in the past.
- Alternative housing arrangements for pets not showing well in a shelter environment, such as reactive or shy dogs (These pets can be marketed for adoption while in their foster homes.)
- Safety and comfort for sick or injured pets in need of healing, animals who have been in the shelter for an unusually long time and pets with contagious diseases.
- Prevention of the development of problematic "kennel behaviors" caused by dogs living in a kennel too long
- Fewer animals in the shelter, less money and staff time being spent on daily care.
- Developing a relationship with the community through establishing relationships with responsible adopters.

Barriers to remove

Laws and regulations restricting shelter's ability to easily utilize foster homes create unnecessary barriers and staff workloads while doing little to solve for the problems underlying their justification. For example, The Georgia Department of Agriculture requires all potential foster homes to be inspected at least twice a year.[4] Georgia shelters must inspect a home before an animal is placed there for foster care, prohibiting emergency fosters and inhibiting lifesaving. Shelters also spend hundreds of hours meeting this requirement each year but since the inspections are self-regulated, Georgia still sees plenty of rescue hoarding situations at approved and inspected foster homes. Removing this type of regulation and others that stop or unduly burden people from trying to help the shelter system is important to saving the lives of animals.

Program Composition

The following describes workforce needs, internal and/or external resources, and any other additional steps that should be taken into consideration for successful program implementation and to reduce risk and liability for the locality:

- Create a foster agreement contract that includes a comprehensive liability waiver, examples are below.
- Identify a key staff member or volunteer who will take the lead on overseeing the implementation and continuation of the foster program.

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- Develop your standard operating procedures, including essential components such as:

  –What are the expectations for basic medical care (vaccinations, deworming, etc.) and what is the process for bringing animals back to the shelter to receive routine care?
  –Who should foster families contact if they have questions about their foster animals?
  –What should a foster caregiver do if an animal needs urgent medical care? Outline what constitutes an urgent situation.

- Develop a foster care manual for your foster families. The manual should include some essential information that may seem basic to you, but may not to your foster caregivers, such as:

  –How to prepare their home for the foster pet
  –What to do when they first bring the animal home
  –Routine daily care
  –Medical and emergency protocols
  –Behavior support
  –How they can help market their foster pet to help them get adopted
  –Interaction with neighbors

- Create a thorough online and in-person application for potential foster families to fill out. This will give you information on their families, home and needs in regards to the animals they are able to help through foster. Safely placing pets into foster homes will reduce problems and issues of liability.
- Provide connectivity for the foster families to your organization and to each other, this level of support ensures that staff and volunteers can intercede if there is a problem, reducing liability or concerns around the foster home:

  –Utilize volunteers to routinely check in with foster caregivers.
  –Gather photos and videos from foster caregivers to promote the animals for adoption.
  –Create a closed Facebook group for foster caregivers to connect with each other.

Examples and Resources

Training module on Open Adoption practices and protocols
Waiver examples-
- BF Volunteer Engagement (pg 12 - Volunteer release, waiver, and safety guidelines)
- Taylor Animal Shelter Volunteer application/waiver (in operational playbook > sample contracts and waivers)
- APA 2019 Volunteer Application and Agreement and Release

Contract examples -
- BF Adoption Contract (liability/waiver)
- LMAS Stray Foster Contract

Program overview & resources (providing adequate training/resources):
- Salt Lake City Dog Foster Manual
- Adopters Welcome Manual (very comprehensive)- animalsheltering.org
  –Adopters Welcome step by step implementation plan
- LMAS Stray Foster Care Guide (emailed 7/7/20)
- BF Operational Playbooks (any program)

Examples of contract with "not convicted of animal cruelty or neglect" language:
- Almost Home Humane Society - Adoption Contract - #7-9
- SLC Animal Services Adoption contract – mentions experimentation or vivisection
- Pasco County Adoption Contract - #8

Humane Animal Control Manual – sections to consider including:
- Ch 1 & 2 (The Role of Animal Control in Local Government and the Role of Local Government in Animal Control)
- Pg 22 Data reporting & transparency
- Pg 23 Communication & Social Media
- Pg 125 - 138 Adoption Programs
- Pg 139 Shelter Liabilities
- Pg 141 Waiver of Liability and Indemnity agreement example
- Pg 174 Foster Programs
- Pg 184 Volunteer Programs

Notes

1. Petpoint Industry Data - https://www.petpoint.com /Industry_Data.
2. S.L. Bennett, A. Litster, H-Y. Weng, S.L. Walker, A.U. Luescher (2012). *Investigating behavior assessment instruments to predict aggression in dogs*. Applied Animal Behaviour Science, 141, 139–148.
3. Sandra MacArthur, BS; Julie K. Levy, DVM, PhD, DACVIM; Patricia A. Dingman, MS, Sylvia J. Tucker, BS (2012). *Outcome of Pets Adopted During a Waived-Fee Adoption Event: Maddie's Matchmaker Adoptathon*. Journal of Applied Animal Welfare Science.
4. Georgia Department of Agriculture Rules and Regulations for Licensed Shelters - http://www.agr.georgia.gov/Data/Sites/1/media/ag_animalindustry/animal_protection/files/Animal- Protection-Act-rules-2020.pdf.

Chapter 2

Providing Animal Services a Seat at the Table

An increasing number of communities recognize that Animal Services, typically consisting of a combination of animal sheltering, animal control and humane law enforcement, broadly impact their citizens in every neighborhood. The role of today's animal services has greatly expanded over the years. Formerly acting in the capacity of mere "dogcatchers," animal services have transformed into a vital public safety and community service department.

Historically, communities established Animal Services, often to mitigate nuisances and collect stray animals, as an additional service rather than a core city service. The ad-hoc nature in which Animal Services were established, and because Animal Services have significant cross-department work, caused a lack of uniformity in how Animal Services fit into the municipal department structure and too often left them inserted as a program within a department versus its own department. This has led to Animal Services programs set up in several ways as units within police, health, code enforcement or even sanitation or other divisions.

But Animal Services work reaches into every neighborhood and connects with nearly every core functional city department. Animal services will be involved in police activity, particularly when warrants are served, or evictions conducted, as well as partnering with police for dangerous dog and animal cruelty investigations. In the event Animal Services holds police powers, they will be serving warrants and making arrests for animal cruelty in close conjunction with local police departments. But they also will be involved in holding animals for health departments, managing bite quarantines or bite reports, and may be called upon to assist with zoonotic disease management or quarantine. Furthermore, Animal Services officers may issue code violations, respond with fire departments, participate in emergency management planning and operations, and other critical municipal functions. And such a department is encouraged to have strong community support programs to prevent animals from entering a shelter as well as adopting pets back into the community.

When Animal Services are relegated to work within a specific department, it can impede cross- department collaboration and efficiency with the needs of the department becoming the operational priority versus the needs of the community. For example, Animal Services within police departments may become enforcement-focused and minimize its role in disease management, community support and adoption programs. Whereas in a Health Department, budgeting often gets heavily allocated to activities related to rabies control and disease management, then fails to fully support the other duties animal control plays in public safety such as dangerous dog enforcement and animal cruelty investigations. Likewise, when located within code enforcement, resources are dedicated to ticketing and ordinance enforcement. And because pet adoptions are commonly not a key priority for any other municipal department, this important function that impacts public engagement and public trust, is not viewed as a priority. These departmental limitations are seen across the country in municipalities of various sizes.

The consequences are an imbalance in services to the community and important programs being neglected. An independent Animal Services department can thoughtfully allocate their limited resources, based on data and the needs of their community, to provide comprehensive and balanced services.

As such, Animal Services are recommended to be an independent municipal department to other core city functional departments within the municipal structure. Ideally, Animal Services should be established in a municipal structure where the department reports directly to a city manager or equivalent chief administration officer.

Chapter 3

Putting Public Safety First: Why Breed-Specific and Discriminatory Laws are the Wrong Choice for Your Community

Introduction

We all share the same goal of a safe and humane community for people and their pets. This chapter is meant to offer practical guidance to municipalities in the drafting of your dangerous dog ordinance. That guidance is based on nearly two-decades worth of peer-reviewed research on dog behavior, and it represents the most current and effective approach available.

The Power to Regulate Dogs

It is long established that local governments may regulate the keeping of animals as a valid exercise of their police power. In *Sentell v. New Orleans & Carrolton R.R.*, the United States Supreme Court held that dogs are subject to the full force of the local police power and may be "destroyed" or otherwise regulated by the city in any reasonable manner as a means of protecting its citizens.[1]

Since then, similar authority has been upheld in state courts across the country, where it has consistently been found that a legislative body has broad police powers to control dogs as a way to protect and regulate against the threats posed to people. Typical of these holdings is *Thiele v. Denver*, in which the Colorado Supreme Court stated unequivocally that a dog, like all other property, is held by its owner subject to the inherent police power of the state and cannot be used or held in such way as to injure others or their property.[2] Similarly, the Virginia Supreme Court has held that a county law making it illegal to keep a dog known to be vicious or which has evidenced a disposition to attack human beings was a valid exercise of the county's police power.[3]

However, it is important to note that evidence considered in evaluating issues like a dog's "known propensity" for dangerousness is likely to be contested, so it is more effective to list specific behaviors over general terms.[4] Still, when the property in question is a beloved pet, even the most carefully drafted ordinance will not fully insulate a municipality from costly litigation, especially if friendly dogs and responsible owners are targeted for enforcement.

Further complicating matters is our culture's continuing evolution as to how we perceive, treat and legislate around companion animals, especially dogs. As the Oregon Supreme Court stated in the *Fessenden case:*

> "As we continue to learn more about the interrelated nature of all life, the day may come when humans perceive less separation between themselves and other living beings than the law now reflects. However, we do not need a mirror to the past or a telescope to the future to recognize that the legal status of animals has changed and is changing still[.]"[5]

The recognition that our pets transcend mere property (and their attendant protections) is reflected by the public's attitude towards these cherished family members. In fact, a 2015 Harris Poll found that nearly all owners (95%, up 7 points since the question was originally asked in 2007) consider their pet to be a member of the family.[6] What's more, according to a survey conducted by Luntz Global, 84% of Americans do not want the government to place arbitrary restrictions on the kind of pet dog they can love and own, which is unsurprising given the Harris findings.

All of this is to say that the way a municipality regulates dogs should reflect these realities, from the drafting of behavior-based ordinances to enforcement by animal control or other law enforcement. Public safety and public sentiment demand a 21st century approach that is data-driven, fact-based and scientifically-proven to be effective.

Breed Specific and Discriminatory Ordinances: An outdated and failed approach

Starting in the late 1980s, municipalities across the country began passing breed-specific and discriminatory ordinances, often under the false assumption that they would make their community a safer place to live. These laws, which often target responsible owners of pit-bull-terrier-like dogs, have had a devastating effect on communities. Thankfully, over the subsequent decades, as more science and data were analyzed, and as our understanding of canine behavior evolved, cities, towns and counties have increasingly replaced these outdated laws with breed-neutral ordinances that focus on the behavior of every dog and owner in the community. That is now the preferred model for maximizing public safety and the model this manual strongly recommends.

Today, the vast majority of communities regulate dogs based on an objective behavioral standard. And while a number of communities hold on to their breed-based laws, more and more municipalities are abandoning them and adopting the behavior-based, breed-neutral model that has proven itself to be the more effective approach to promoting public safety.

In fact, in 2018 the IMLA itself updated its previous model dangerous dog ordinance, replacing its previous breed-specific and discriminatory provision with safety-focused breed-neutral language.[7] That model ordinance now serves as the standard that municipalities look to when crafting their own laws. (see Appendix)

The arguments against targeting specific breeds (or types) of dogs are many, but they boil down to these three main points. First and foremost, these laws have been shown, through vigorous peer-reviewed study, to completely fail at their stated objective of promoting public safety.[8] They also improperly interfere with a responsible owner's property rights. And lastly, they are hugely expensive for municipalities to enforce.[9]

In fact, in addition to IMLA, organizations like the American Veterinary Medical Association (AVMA), the National Animal Care and Control Association (NACA), the Centers for Disease Control and Prevention (CDC), and the American Kennel Club (AKC) all have publicly urged municipalities to repeal any breed specific and discriminatory provisions in their laws and policies and to replace them with breed-neutral ones that are behavior-focused and protective of owner's rights. Twenty-two states have also passed preemption laws that prohibit nearly all types of local breed-discriminatory ordinances.

In addition to IMLA, the American Bar Association (ABA) has even passed a resolution urging all local governments to repeal breed specific ordinances and enact comprehensive breed neutral laws.

> *"Resolved, that the American Bar Association urges all state, territorial, and local legislative bodies and governmental agencies to adopt comprehensive breed-neutral dangerous dog/reckless owner laws that ensure due process protections for owners, encourage responsible pet ownership and focus on the behavior of both dog owners and dogs, and to repeal any breed-discriminatory or breed-specific provisions."*[10]

Further complicating breed-based laws is the presumption underlying them that behavioral traits are dominated by genetics as opposed to environmental factors. This presumption has been repeatedly proven to be unfounded, most notably in a 2013 study published in the Journal of the American Veterinary Medical Association. The authors found that there are multiple factors involved in dog-bite- related-fatalities and that most are under the control of the dog's owner (e.g., isolation from positive family interaction; abuse or neglect; unsterilized dogs, and; leaving dogs unaccompanied with children). Importantly, the authors could only reliably determine the breed of dog involved in the incidents in 18 percent of the cases (out of 256 total incidents), and more than 20 different breeds were involved.[11] The authors conclude that breed is not a factor in a dog's propensity to act aggressively, a finding that comports with other peer-reviewed research on the subject.

There is also the problem of visual breed identification. In order to determine if a dog complies (or not) with a breed specific and discriminatory law, enforcement typically relies on a visual identification of the dog in question's breed. This is problematic because research has consistently found that this form of breed-identification is inherently flawed, especially when compared to tests that check a dog's actual genetic breed ancestry.[12] The problems with visual breed identification are not resolved by having a licensed veterinarian or trained animal control officer perform the task; the research finds that it's flawed no matter who is making the determination.

Besides the problems mentioned above, there are also tremendous costs to municipalities that should be considered for places that have or are considering breed-based laws. The laws themselves require animal control departments to divert resources towards enforcement, including obvious ones like staff time for impounding and visually identifying the dogs, kennel costs to house the dogs (including food, space and medical care), euthanasia drugs, and the cost of disposing of the bodies of the pets that are euthanized. There are also less obvious costs, including staff turnover and leave due to the mental strain of being tasked with enforcement of these arbitrary laws.

Lastly and importantly, unlike breed-neutral dog ordinances, breed-specific and discriminatory laws are not automatically accepted by courts as a valid exercise of police powers. They are likely to lead to costly litigation, with challenges typically based on allegations of overinclusiveness, underinclusiveness, vagueness, a violation of equal protection, and/or that the laws lack a rational basis.[13] We anticipate this trend continuing as more of the aforementioned research makes its way into future court cases.

Taken as a whole, it's little wonder that so many places have rejected these outdated laws in favor of effective, cost-efficient laws that make their communities safer.

Continued on page 14

The IMLA Model: The 21st century approach to regulation

The IMLA Model Ordinance Regulating Dangerous Dogs (the "Model") was drafted with input from dozens of municipal attorneys, representing a diversity of communities from across the country. It brings together ideas and language that have been successfully adopted and implemented, including links and citations to a number of helpful source materials that informed the drafters.

The most impactful change from its previous iteration is the move to a breed-neutral approach that regulates the behavior of every dog and owner in a community. As discussed, this is now the consensus approach to creating safe and humane communities.

Additionally, the Model urges a tiered approach to regulation, with different definitional thresholds for "potentially dangerous", "dangerous" and vicious." This was added to respond to a common frustration from practitioners, that many of the ordinances are too rigid for the wide range of behaviors that dogs exhibit. Not all dog-related incidents represent the highest level of danger to a community and a one- size-fits all scheme that fails to account for this range is unhelpful.

Another innovative aspect of the Model is the addition of a "Reckless Dog Owner" provision that limits a person's ownership rights if they violate the Code a number of times. This type of language has been used with great success in Skokie, IL.[14] And some state statutes similarly restrict ownership rights if a person violates certain animal-related statutes.[15] Whatever the form or title, these provisions are important to include since so many dog-related problems are human-focused.

The Model includes other important reminders to drafters, including:

- Establish procedures by which a dog comes to be classified as "potentially dangerous," "dangerous" or "vicious."
- Establish the actions/hearings that satisfy the due process clause that a pet owner may take to contest the designation of his or her dog.
- State the burden of proof in the ordinance. If there are criminal penalties, the burden of proof must be beyond a reasonable doubt for each element.
- Specify the actions that a dog owner must take if the dog is finally declared dangerous at the end of an administrative hearing or court proceeding.
- Describe the penalties that the local government will impose if the dog owner does not comply with the established requirements.

The Model's practical guidance on drafting offers a blueprint for municipalities to help ensure that their dog laws are effective, enforceable, and humane.

Notes

1. *See Sentell v. New Orleans & Carrolton R.R.*, 166 U.S. 698 (1897).
2. *See Thiele v. Denver*, 312 P.2d 786, 789 (Colo. 1957).
3. *See King v. Arlington County*, 81 S.E.2d 587, 589 (Va. 1954).
4. *See e.g. State v. Hanson*, No. 90,372 (Kan. 2004).
5. *State v. Fessenden/Dicke*, 355 Or 769-70 (Or. 2014).
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. *See* IMLA Model Ordinance Regulating Dangerous Dogs (IMLA 2018).
8. *E.g.*, *Does the Dangerous Dog Act Protect Against Animal Attacks? A Prospective Study of Mammalian Bites in the Accident and Emergency Department*, Injury 27, no. 2 (1996): 89-91; B. Rosado et al., *Spanish Dangerous Animals Act: Effect of the Epidemiology of Dog Bites,* Journal of Veterinary Behavior 2, no. 5 (2007): 166-74.
9. *See e.g.* City of Topeka, Proposed Ordinance on Animal Cruelty and Dangerous Dogs,https://www.pitbullinfo.org/uploads/7/8/9/7/7897520/topeka_kansas_against_bsl.pdf (last visited Aug. 20, 2018); Prince George's County, *Report of the Vicious Animal Legislation Task Force* (2003); Prince George's County, *Report of the Vicious Animal Legislation Task Force: Appendices* (2003).
10. American Bar Association Resolution 100, Aug. 6-7, 2012, *available at* https://www.americanbar.org/content/dam/aba/administrative/mental_physical_disability/Resolution_100.authcheckdam.pdf.
11. *Co-occurrence of Potentially Preventable Factors in 256 Dog-Bite-Related Fatalities in the United States (2000- 2009)*, Journal of the American Veterinary Medical Association 243, no. 12 (December 15, 2013).
12. *See* Victoria L. Voith, *Shelter Medicine: A Comparison of Visual and DNA Identification of Breeds of Dogs;* Kimberly L. Olson, *Pit Bull Identification in Animal Shelters*, University of Florida, 2012; Kathleen C. Croy, et al., *What kind or [sic] dog is that? Accuracy of dog breed assessment by canine stakeholders,* Abstract online; and Victoria L. Voith, et al., *Comparison of Visual and DNA Breed Identification of Dogs and Inter-Observer Reliability*, 3 Am. J. of Sociological Research 17 (2013).
13. *See e.g.* Complaint, *Nelson v. Town of New Llano*, No. 2:14-cv-00803 (W.D. La May 26, 2014); Plaintiff's Motion for Preliminary Injunction, *Nelson v. Town of New Llano*, No. 2:14-cv-00803 (W.D. La May 26, 2014); Plaintiff's Memorandum in Support of Motion for Preliminary Injunction, *Nelson v. Town of New Llano*, No. 2:14- cv-00803 (W.D. La May 26, 2014); *Schreiner v. City of Clay*, No. CV2013- 903036.00, (Ala. Cir. Ct. Sept. 14, 2014).
14. Skokie, IL, Municipal Code § 18-40.
15. 9 Ohio Rev. Code. § 955.54 (2012), available at http://codes.ohio.gov/orc/955.54.

Chapter 4

A Community Issue, A Community Solution: Robust Cat Management Programs

Introduction

Cats are amazingly resilient creatures, able to survive in most climates, varied landscapes and without much human assistance. Research suggests that their domestication dates to 7500 BCE, probably to deter rodents attracted to grain.[1] When you consider how quickly and efficiently they reproduce, it's a small wonder that we don't have more of them living in our communities. Nevertheless, cat population control animates discussions in communities both large and small, urban, suburban and rural. And while the scope of the issue can seem daunting at first, the good news for practitioners is that a well-documented population control model exists, the legal framework to implement it is well-known (and sometimes requires little to no changes to a local ordinance), and it is being implemented throughout the country, and has been for some time.

Put simply, there are two approaches for managing community cats (sometimes referred to as "free-roaming," "stray," "feral" or "at-large" cats). The traditional way, known as "catch and kill" relies on an ineffective and expensive model where animal control officers round up cats (typically in response to nuisance complaints), adopt out the small number of these that they can, and then euthanize the rest at the local animal shelter.[2] However, the data continues to demonstrate that catch and kill just doesn't work at its stated goal of population control. Cats reproduce faster than a typical animal control department can catch them, which is why more municipalities have adopted alternative options.

The Benefits of TNVR Programs.

To address the failures of the catch and kill model, communities have increasingly gravitated to Trap-Neuter-Vaccinate-Return (TNVR or TNR), which has proven itself effective for managing community cat populations.[3] TNVR is a non-lethal, decentralized technique employed by residents for managing community cats. The cats are humanely trapped, spayed or neutered by a licensed veterinarian, ear-tipped (the universal sign that they have been sterilized and vaccinated for rabies), and returned to where they were trapped. TNVR empowers the community to take action in their neighborhood. In addition to being a more humane option, TNVR can also save a community money by reducing the costs for animal control.

Many TNVR programs, in addition to vaccinating against rabies, also vaccinate cats against three other common viruses (feline viral rhinotracheitis, calicivirus, and panleukopenia virus) through what's known as the FVRCP vaccine. In addition, some TNVR programs will find homes for adoptable cats and kittens (when doing so is feasible and appropriate) and coordinate with designated cat caregivers who provide ongoing care (e.g., food, water, shelter, veterinary care), avoiding the costs of sheltering and care usually born by the local government in a Catch and Kill model. These programs will also relocate a cat from the place it was trapped if doing so is required or in the best interest of the cat and/or community, though this option should only be used as an absolute last resort.[4]

Brick and mortar municipal animal shelters (and private shelters with government contracts) also commonly implement this type of programming, calling it Return-to-Field (RTF), Shelter-Neuter-Return (SNR), Shelter-Neuter-Vaccinate-Return (SNVR) or some variation on these terms. The major difference between TNVR and RTF is that TNVR programs are community-based (with residents typically bringing community cats to a local clinic) whereas RTF programs are shelter-based (i.e., for community cats brought to a shelter by residents or animal control officers). Both types of programming promote public health as well, as fewer cats reproduce and the overall population lowers, and the cats remaining are now vaccinated.

The places that have most successfully controlled their community cat populations implement and support both TNVR and RTF. While the programs are similar, there

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are differences. RTF is when a cat is brought to a shelter and the shelter returns it to where it was trapped. When a caretaker gets the cat sterilized, vaccinated and returns it, that's TNVR. Both programs operate best when the shelter and the community work hand-in-hand as partners with a shared goal.

In addition to its effectiveness at population control, communities turn to TNVR and RTF because when confronted with a choice to euthanize the majority of these cats, or to return them to the community where they have been thriving (after being vaccinated and spayed or neutered), the public will choose the latter. In fact, in two national surveys respondents preferred TNVR over catch and kill by a 3 to 1 or 4 to 1 margin.[5] Since many community cats are not socialized and not adoption-eligible, impounded ones often end up being killed in shelters. The public demands better outcomes.[6] Couple that with the dramatic decrease in nuisance complaints associated with TNVR and RTF and it's no surprise that so many people prefer this approach to the traditional model.[7]

Another reason for such widespread support is the cost savings associated with TNVR and RTF. The traditional model requires needless staff time to trap, transport, and impound the cats. The shelter employees then need to house and feed them and provide veterinary care if necessary. Since only a fraction of the cats will be adopted, the costs of euthanizing and disposing of them also needs to be considered. TNVR and RTF are much simpler and more cost-effective programs (typically less than half the cost of catch-and-kill),[8] which let shelters focus their budgets and staff on other lifesaving opportunities. Additionally, communities that catch and kill cats need to consider the emotional costs incurred by animal shelter staff and/or animal control officers who are the front-line workers tasked with needlessly euthanizing these animals, day after day. This leads to higher staff turnover, which of course adds additional financial strains on to your budgets.

Community cat programs also foster better relationships between your local government and residents. This type of model is centered on the idea of community members partnering with their government agencies and actors to achieve a shard goal. These programs are most successful in places that embrace that these types of solutions require mutual cooperation, trust, and respect. For example, your local shelter should develop outreach strategies to promote TNVR in the community and should work with the animal control officers to educate them about the benefits of the programs. These front-line officers are often the ones engaging with members of the public, giving them an incredible amount of influence and responsibility. Shelter leadership should also work to build relationships with the local animal welfare organizations operating in their community. Animal rescues are there to help, so welcome them and figure out how to work together to build and implement your program.

The goal of this chapter is to offer practical guidance to municipalities in establishing the legal framework to allow for successful TNVR and RTF programming to help humanely and effectively reduce the community cat population. As with any legislative measure, the direct and indirect consequences need to be studied to ensure that all legitimate concerns are considered, that the measure fits the community, and that the community will be well served by the measure.

Legal Considerations to Implement TNVR and RTF

While the laws in many communities are already permissive for TNVR and RTF, some places still have outdated restrictions that can be a barrier to successfully implementing these types of programs. Some of these obstacles can be overcome in practice, since field services staff typically have considerable flexibility in how they carry out their duties (e.g., field services officers are not always required to impound healthy stray cats).

The American Bar Association (ABA) addressed this very issue in Resolution 102B, which was approved by the House of Delegates in August 2017. The Resolution urges state, local, territorial, and tribal legislative bodies and governmental agencies to interpret existing laws and policies, and adopt laws and policies, to allow the implementation and administration of (TNVR) programs for community cats jurisdictions. This resolution considered the need for effective, humane management of community cats and the possibility that changing existing laws may not always be necessary.[9]

Importantly, before getting into the specific code provisions implicated by TNVR and RTF, it is good to remember that even if community cats are not explicitly addressed in the ordinance, existing language may already allow for this type of programming. Or, as is often the case, minor tweaks may be all that is needed. Sometimes all that is needed is clarifying that community cats hold a different legal status than owned pet cats.

But if there are still roadblocks to fully implementing a robust TNVR and/or RTF program in your community that need to be addressed, there are resources to assist. Best Friends Animal Society has attorneys that specialize in working with municipalities to help them optimize TNVR and RTF in their community; these services are offered for free to municipalities. We also encourage municipal attorneys to seek guidance from neighboring communities that have adopted community cat programming. Community cat programs like TNVR and RTF are more prevalent than ever. Having spent decades trying the catch and kill model, communities across the country (and world) are now turning to this proven and efficacious approach. While local ordinances may require some revising, the changes are typically minimal, and the results can be dramatic.

Environmental Considerations: Separating Fact from Fiction

Cats can degrade the environment whether they are accepted as community cats or they are the targets for a catch and kill program. Developing a program that matches the com-

munity and its environment can be essential to an effective and legally compliant TNVR program. A community that adopts TNVR may violate the various laws designed to protect wildlife and endangered species, but a community that fails to effectively control feral cats may similarly be at risk for not protecting the environment. Each community must do its own analysis both before implementing a program and while it is in operation to determine its effectiveness in controlling feral cats and in protecting endangered species and the environment.

A Successful Case Study: Harris County, Texas

Harris County is one of the most populated counties in the United States and also one of the largest by land area within Texas. As with any place this size, the county has a large population of community cats. For decades, the county futilely relied on the "catch and kill" model to respond to the problem. Unsurprisingly, it failed to control the population (and anecdotally it appears the population may have actually increased). At that point, county leadership, in cooperation with local resident animal-welfare advocates, decided to modernize the law to encourage and promote TNVR and RTF, and in April 2020 it adopted an overhaul of its animal regulation, making the new law a model for the management of community cats.[10] While its effect on endangered species and on wildlife have yet to be tabulated, the program has seen success in other ways.

Most of the considerations mentioned in the above sections were applied to the new regulation, including all the appropriate definitions and removal of any barriers to enacting TNVR and RTF.

But what is most notable about the new law is the inclusion of Section 15, Trap-Neuter-Return. The county chose to put itself on record as not only encouraging these programs, but preferring them as the model for "controlling the community cat population." The full text of Section 15 is below:

> A. Trap-Neuter-Return is the preferred method for controlling the community cat population through the community cat diversion program. An animal shelter and any contracted shelter organizations shall prioritize the Trap-Neuter-Return method as the preferred outcome for community cats by directing any non-eartipped, free-roaming cats to the Trap-Neuter-Return process, whether the cat has been impounded or not.
> B. As part of Trap-Neuter-Return, spay or neuter and vaccination for rabies shall take place under the supervision of a licensed veterinarian.
> C. A healthy trapped, ear-tipped cat will be released on site where trapped unless veterinary care is required. An ear-tipped cat received by a shelter or animal control will be returned to the location where trapped unless veterinary care is required.
> D. Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of carrying out Trap-Neuter-Return and/or returning ear-tipped community cats to their original locations.
> E. A community cat caregiver who returns a community cat to its original location while conducting Trap-Neuter-Return is not deemed to have abandoned the cat.

Less than six months into its passage, the law had already generated positive results for animal control, the animal shelter, community cat caretakers, the local animal welfare community, and the public at-large. There is now more cooperation, dialogue and trust between these stakeholders than there ever was prior to the new approach. What's more, the county is now fully implementing robust TNVR and RTF programs that is already having an impact on the number of cats impounded to the shelter and the number of cats needlessly killed. It serves as a success story for community-based animal services, one that other municipalities can look to for guidance when considering their own specific needs.

Notes

1. J.D. Vigne et al., *Early Taming Of The Cat In Cyprus*, 304 Science 259–259 (2004), http://science.sciencemag.org/content/304/5668/259.
2. Peter J. Wolf & Francis Hamilton, *Managing free-roaming cats in U.S. cities: An object lesson in public policy and citizen action*, J. Urban Aff. 1–22 (2020), https://doi.org/10.1080/07352166.2020.1742577.
3. *E.g.*, Daniel D. Spehar & Peter J. Wolf, *An Examination of an Iconic Trap-Neuter-Return Program: The Newburyport, Massachusetts Case Study*. Animals 2017, 7.
4. *See* https://www.alleycat.org/community-cat-care/safe-relocation/.
5. Peter J. Wolf & Joan E. Schaffner, *The Road to TNR: Examining Trap-Neuter-Return Through the Lens of Our Evolving Ethics*, 5 Frontiers in Vet. Sci. 341 (2019), https://www.frontiersin.org/article/10.3389/fvets.2018.00341.
6. *E.g.*, Linda K. Lord, *Attitudes toward and perceptions of free-roaming cats among individuals living in Ohio*. J. Am. Vet. Med. Assoc. 2008, 232, 1159–1167; Lauren van Patter, Tyler Flockhart, Jason Coe, Olaf Berke, Rodrigo Goller, Alice Hovorka, Shane Batemen, *Perceptions of community cats and preferences for their management in Guelph, Ontario, Part I: A quantitative analysis*, Can. Vet. J. 2019, 60, 41–47.
7. J.C. Mahlow & M.R. Slater, *Current issues in the control of stray and feral cats*. J. Am. Vet. Med. ASSOC 1996, 209, 2016–2020.
8. Wolf & Hamilton, *supra* note 2.
9. American Bar Association Resolution 102b, August 2017, https://www.abajournal.com/news/article/trap_neuter_vaccinate_return_community_cats_aba_delegates.
10. *See* Harris County, Texas Animal regulation at https://publichealth.harriscountytx.gov/Resources/Animals-and-Pets/AnimalLaws/AnimalRegulations.

Chapter 5

Empowering Animal Field Services to be More Community-Focused

Summary of problems to address

Many of today's most successful animal control agencies have recognized that the methods and practices that have been utilized by animal control over the past several decades have fallen short of their goals. Historically, agencies relied on issuing citations, seizing and impounding animals and focusing their efforts and resources on "enforcing the law. They realized that citations rarely changed behavior and often disproportionally impacted marginalized communities. People simply went out and replaced seized animals.

In response, agencies adopted a more community-oriented way of addressing these issues. Similar to the law enforcement approach known as community policing, field officers began working with residents to find long-term, cost-effective solutions to the problems they were facing. The result was amazing: less animals clogged up the shelter system, resulting in less animals being euthanized, and saving tax dollars as well. An added plus was this allowed for shelter staff to have more time to dedicate resources for those animals that were truly in need and help keep families and pets together. Some field officers would help distribute pet food from pet food pantries, other would help mend fences. This garnered unprecedented community support and appreciation. However, some agencies that attempted to implement this new philosophy encountered legal obstacles that prevented them from fully implementing this shift.

Most common restrictions

The most common restriction field officers face is simply that the word "shall" appears in many animal control ordinances. By changing "shall" to "may" it gives the officer the discretion as to whether a particular situation warrants impoundment and citation or if the officer can resolve the issue by working with the pet owner to rectify the cause of the infraction. Often, dogs will escape from a yard due to a broken fence that the owner has tried to repair but doesn't have the knowledge or resources to do.

Historically, the officer would impound the animal and issue a citation, along with expensive reclaim fees. Unfortunately, the cost to fix the fence was often outside the owner's financial means; the result is the pet is added to an overburdened shelter system and often resulted in the animal being euthanized. Bringing animals into the shelter is costly in staff time, pet food, veterinary care and possible euthanasia and body disposal, not to mention the emotional costs to the staff, which can lead to higher than necessary turnover (and the associated costs).

For instance, Baytown Texas' ordinance requires an officer to impound all dogs found running at large to the county shelter[1]. This prohibits officers from returning the dog to the owner in the field without impoundment even if the dog has identification such as an ID tag or microchip.

Chapter 14 - ANIMALS Sec. 14-5. - Running at large.
"…It shall be the duty of every animal control officer to apprehend any dog found running at large and to impound such dog at the city animal shelter."

An agency should have the discretion to waive fees for good cause. All too often these fees are too prohibitive for many people, which forces pet owners to forego reclaiming their pet. Requiring sterilization prior to release and/or mandatory licensing and vaccinations prior to release prevents many agencies from conducting a return-to-owner while still in the field. An ideal situation would be to offer a low or no-cost option for these services with the expectation that the owner will comply at a later date.

A new trend that has proven to be successful is the use of finders of stray animals as temporary fosters who assist the agency in finding the owners. The great majority of stray animals are found within their own neighborhood. By removing the animal from the area and bringing them into the shelter, that oftentimes can be miles or even hours away, hampers reunifications. Additionally, many people lack access to transportation or the scheduling flexibility to get to the shelter during business hours. Local ordinances like Brownsville's prohibit this activity and add to an overburdened shelter system.

Instead, finders of stray animals that are willing should notify animal control with all of the identifying information, walk the neighborhood and talk to residents about potential owners, visit local social media pages, and post pictures and search for lost pet notices.

Officers in the field should also be allowed and even required to do the same when a stray animal is found that is neither sick or injured and poses no threat to public safety. More agencies are taking steps like this and seeing the numbers of animals being found being returned home without having to be impounded dramatically increase. As the number of animals being microchipped in the United States continues to grow, all field officers should have the ability to scan every animal they encounter for a microchip prior to impoundment. A good example of this can be found in Jacksonville Florida's ordinances:

§432.601. An animal control officer is authorized to capture and impound, in a place maintained or designated for that purpose, any animal that is stray, at-large or as otherwise authorized by this Chapter...

§462.602. Upon impounding an animal that is licensed, tagged, or otherwise identifiable through microchip or tattoo, ACPS shall promptly notify the owner by telephone or mail unless the owner has been informed directly or via note left on property/residence by an officer or employee of ACPS. Such notice shall advise the owner of the period for impoundment. *ACPS, at its discretion, may make a reasonable inquiry in the immediate vicinity in which a stray animal is picked up in order to locate the owner, if any, of a stray animal.*

Policy Recommendations

To encourage a more community-based approach to animal control, field officers should be given specific training related to community engagement similar to the education traditional police officers receive in community policing. Officers should be required to attend monthly community meetings and should be conducting outreach events such as tabling at local health fairs and shelter vaccination clinics. Officers should also receive formalized training in conflict resolution and mediation techniques as this already a critical component to the duties.

In order to perform these duties, a reduction in overall call volume is needed. Far too often agencies are required to respond to issues that are outside their statutory obligations as a matter of policy.

Responding to nuisance wildlife calls is a waste of a field officer's time and tax dollars. Wildlife calls should only be prioritized if there is a bite or an injured wild animal. Humane methods of conflict mitigation have proven much more successful and can increase community goodwill toward the agency.

Conclusion

Animal control is evolving. Field officers across the country are changing the way they do their jobs; learning what works and what doesn't and knowing how to solve problems without alienating community members. Municipal lawyers should reexamine their city's ordinances to ensure they follow the tenets of community policing, allow for lifesaving and are cognizant of removing any language that has a disparate impact on marginalized communities.

Notes

1. At the time of this writing this ordinance is under consideration for amendment by the county officials.

Chapter 6

Integrating Human and Animal Services

Introduction

Delivery of truly effective animal services often happens through collaboration with human service providers and vice versa. After all, the needs of pets exist within the complexities of a wide variety of human needs and environments.

Local governments should facilitate the coordination and where appropriate, integration and clustering of these social services in the community. As a first step, they might consider making an inventory of all social services available in a community and explore the ways in which each service might interface with individuals and animals with pets.

The goal of this chapter is to provide helpful information for municipalities wishing to engage in the assessment, coordination and integration of social services and related local laws, regulations and policies related to as they may apply to animal owners. Below are a few common areas in which the connection of social services and animal services are likely to be effective.

Homelessness Prevention Services

Safe, accessible, and affordable housing is a critical need for all communities. Yet, many residents experiencing homelessness often refuse housing services that do not accommodate pets. Other residents who may only be able to afford subsidized housing face additional barriers. Municipal housing laws, regulations, policies and services that address the needs of the most vulnerable pet owners can also help combat homelessness and ensure equal opportunity for all residents by preventing unlawful discrimination. Some communities have taken steps to ensure that residents of all income levels are not unfairly penalized simply for having pets. Such provisions might come in the form of setting maximum thresholds for pet fees and deposits in a way that aligns with overall rent stabilization policies or prohibiting evictions for residents with pets who would otherwise be legally protected from such proceedings during an emergency.[1] Yet other communities have built partnerships with referral organizations to provide sheltering

services for the pets of people experiencing homelessness. With limited exceptions, most housing is also covered by the Fair Housing Act, which prevents discrimination against tenants with disabilities who have assistance animals.[2] Municipalities should also be mindful of the possibility of potential disparate impact claims for pet owners under the Fair Housing Act, where discrimination against certain types or breeds of animals tend to impact a specific segment of the population more than others.[3]

Below, are just a few of many ways that municipalities can address the housing needs of people with pets:

Example #1:

In 2019, the Los Angeles County Board of Supervisors passed a motion requiring any county funding housing to allow pets. The motion was advanced after finding that approximately ten percent of people experiencing homelessness had pets for which they would have difficulty leaving behind to secure housing. Supervisor Hilda Solis explained, "A pet may be the only source of comfort for senior citizens and people with disabilities. In addition, many victims of domestic violence hesitate to apply for supportive or permanent housing after they realize they have to abandon a trusted pet. No one should have to sever a bond with a pet to find housing."[4] The motion in Los Angeles County followed a similar motion passed by the City of Los Angeles.

Example #2:

As a result of the COVID-19 pandemic, the City of Santa Monica, California extended its eviction moratorium to apply to residents in a variety of circumstances that would ordinarily not be protected from eviction proceedings, including the presence of pets, whether authorized or not.[5]

Example #3:

In New Jersey, *Young v. Savinon* established that tenants that were allowed to have pets at the beginning of a tenancy could not have their leases changed to prohibit those same pets upon renewal.[6]

Municipalities can:

1. Review statutes and case law that govern the rights of pet owners and ensure local laws are in alignment.
2. Encourage animal services to disseminate information about pet-friendly housing options in the community.
3. Ensure that excessive "pet rent" is not allowed to be used as a loophole to circumvent local rent control ordinances.

Hunger Relief Services

Often, if an individual or family needs food and is having financial difficulty affording it, their pets are in need of food, too. However, those experiencing financial difficulty are more likely to give up their pets to a shelter. Pets play a large role in the well-being of families and vulnerable individuals, such as senior citizens, who tend to have lower incomes. Thus, being forced to relinquish a pet may lead to a poorer quality of life, and even greater instability during an otherwise challenging time. Through collaboration with various divisions, a number of municipalities have incorporated the distribution of pet food either through pantries that distribute pet food only, or through food banks that distribute both human and pet food. Often supported by community and company donations and local volunteers, establishing such resources in the community may be achieved through little to no extra cost to the taxpayer.

Below are some examples of innovative partnerships that have preserved the ability of individuals and families to keep their pets:

Example:

The Community Resources Division in Fayetteville, Arkansas consists of the Code Compliance, Community Development and Animal Services Programs. In 2010, the division established the Ranger's Pantry Pet Food Bank ("Pantry") after a housing crisis led to a significant increase number of pets being relinquished to the animal shelter simply because families could no longer afford to feed them. During the same year, the city made a goal to "reduce spending, to prevent any tax increase, to avoid wholesale layoffs of workers as has happened in other cities across the nation, and to maintain excellence in programs and services that our citizens expect and deserve."7 Since then, the program has provided over 165,000 pounds of pet food, with 100% of the food being donated by businesses and local residents. The program has also received private grant funding. The Pantry also provides an AniMeals program, which allows distribution to homebound participants in the local Meals on Wheels Program.

Municipalities can:

1. Establish a pet food pantry through a resolution, motion or order, while encouraging private-public partnerships to help secure food donations.
2. Consider integrating the distribution of pet food through existing programs that provide food for vulnerable individuals and families.
3. Identify opportunities to encourage referrals to local food banks by animal services to individuals who may be relinquishing a pet due to difficulty affording their own meals

Legal Services

Known for their value in providing critical legal services for underprivileged, disabled and elderly members of society, legal aid organizations are often supported by municipalities through appropriations of funds. Likewise, these organizations are often where clients are introduced to the availability of government-supported social services. In many instances, the areas covered by legal aid, such as family, disability and employment law, housing and foreclosure are also directly connected to animal ownership. For example, a client with a service animal protected under the Fair Housing Act may be facing an unlawful eviction under a "no pets" clause in a lease. In this case, effective legal assistance may preserve affordable housing options in the community, avoid potential code enforcement while

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preventing the unnecessary intake of an animal at a shelter as well as its associated costs. As growing number of states allow animals to be included in protective orders to make it easier and safer for victims of domestic violence to avoid dangerous environments, a proactive legal aid organization might ask a potential client whether they have any pets and wish to include them in such orders. They may also refer the client to a local organization that can help provide temporary housing for pets of victims of domestic violence.

Example #1:

Legal Aid Services of Oklahoma issued a publication, entitled Assistance Animals- Your Rights Under the Fair Housing Act in English and Spanish. The work that provided the basis of the publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development.

Example #2:

Iowa Legal Aid maintains resources for individuals with pets, emotional support and assistance animals in a variety of circumstances including housing and disability law, as well as domestic violence and disaster situations.[8]

Municipalities can:

1. Evaluate the ways in which animal ownership and related services are integrated into government funded local legal aid programs.
2. Offer opportunities for legal service professionals to provide community education around services for clients with animals, especially as they align with local laws and policies.
3. Facilitate the exchange of information between animal services, legal service organizations and social services agencies that accept referrals from those organizations.

211 and 311 Services

Through government CRM technology, 211 and 311 hotlines and mobile services allow residents of the United States and Canada to easily access non-emergency municipal and human services in their communities. The technology is often promoted as a centralized way for municipalities to efficiently and effectively spend tax dollars, while ensuring that a variety of government agencies are able to better focus on their core purposes and manage workloads. These services typically operate by providing free and confidential referrals to a number of city and community services including food, housing, medical care, job training, and much more. Including animal related services among the list of assistance areas can add to even greater positive outcomes for the community.

Municipalities can:

1. Coordinate with animal services to ensure that their services are represented among other important community services referrals.
2. Track incoming requests to assess which specific animal services are most needed.
3. Provide helpful information through referral services which may resolve complaints and reduce the need for code enforcement.

Example:

The 211 service provided by the Greater Twin Cities United Way provides referrals for several resources related to animals, including adoption, spay/neuter, and pet food pantries.[9]

Conclusion

By integrating human and animal services in the community, municipalities can more effectively and efficiently maximize their services to residents with a variety of needs. Ongoing collaboration may also serve to address these issues when they begin and before they turn into a more complex situation in need of greater resources. Homelessness prevention, food insecurity, and legal services are just a few areas in which services may be integrated with animal services. Municipalities may wish to conduct an assessment of needs specific to their community.

Notes

1. *Pet Ownership by Tenants, City of West Hollywood,* Weho.org (2020), https://www.weho.org/city- government/rent-stabilization-housing/rent-stabilization/evictions-and-relocations/pet-ownership-by- tenants#:~:text=The%20City%20of%20West%20Hollywood,permitted%20pets%20after%20their%20loss. (last visited Sep 17, 2020).
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3. Linder, A. *The Black Man's Dog: The Social Context of Breed Specific Legislation*, 25 Animal L. 51, 60-63 (2019).
4. Jessica Ogilve, *LA County Wants To Keep Homeless People And Their Pets Together*, LAist, 2019,https://laist.com/2019/03/13/_keep_homeless_people_and_their_pets_together_says_la_county_board_of_supervisors.php (last visited Sep 17, 2020).
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6. *Young v. Savinon*, 201 N.J. Super. 1, 492 A.2d 385 (1985). 7 Mayor Lioneld Jordan, State of the City 2 (2011), https://www.fayetteville- ar.gov/ArchiveCenter/ViewFile/Item/162 (last visited Sep 17, 2020).
8. Iowa, Iowalegalaid.org, https://www.iowalegalaid.org/search?q=pets (last visited Sep 17, 2020).
9. 211unitedway.org (2020), https://www.211unitedway.org/search-category/animal-services/?Search=Pet%20Food (last visited Sep 17, 2020).

Chapter 7

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 percent 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.

Indeed, California passed the Pet Friendly Housing Act of 2017.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 inclusive pet-friendly housing. The solu-

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tions-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 that they have a positive relationship with.[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 with 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 6 million people- have had to move at some point in their life due to a housing restriction related to their pet.[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 more cost savings and budget flexibility, both of which are especially welcomed during crisis moments when revenues are strained.

To be clear, the 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 don't have the data on the outcomes of those specific pets, the national save rate for shelters hovers around 79%, so it is entirely reasonable to presume that a number of these pets were euthanized.

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.

There has also been research conducted by My Pitbull is Family, a housing advocacy organization that seeks to connect pet-owners with inclusive rental properties, that illustrates the front-end problem.[13] Specifically, it contacted 175 self-described "pet-friendly" properties throughout Massachusetts and found that only 1 of them accepted dogs of any breed, weight or size.[14]

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

For municipalities, lowering those surrender numbers will translate to huge financial savings at the local shelter (money that can be repurposed towards other lifesaving opportunities).[15] And given that property owners overwhelmingly support pet-friendly housing, a move towards inclusive housing 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 inclusive 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 the Congress' desire to make public housing more

pet-friendly: "A resident of a dwelling unit in public housing…may own 1 or more common household pets or have 1 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 §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 the Massachusetts General Court 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 their rules are forced to choose between housing, keeping their pets, or breaking 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 960.707(b)(4)). This problem was so widespread in Los Angeles and Los Angeles County that both of those respective 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 expect and 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.

These tools will solve for many of the problems that low-income pet-owning residents regularly encounter. Every step taken to remove these outdated barriers 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.

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).
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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.
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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.

Chapter 8

Public Private Partnerships

Public Private Partnerships, whether with a business or nonprofit entity, can greatly assist municipalities with expanding their services to the community while minimizing the management and resources needed to provide those services. While each entity has a primary mission whether it be public safety or the prevention of cruelty to animals, those missions intersect with more commonalities than differences. Through partnership, service delivery success becomes a shared burden. At their best, these partnerships are based on a shared commitment to agreed-upon goals, leveraging the assets and resources of all parties. The parameters of such partnership are negotiated through a mutually acceptable contract.

An example of successful public private partnerships in animal sheltering is Washoe County Regional Animal Services and the nonprofit Nevada Humane Society (NHS) in Washoe County, Nevada. After passing a voter referendum funding the construction of an animal services facility, the county entered a formal partnership whereby both agencies share a county facility. Animal Services focuses on health, safety, and reuniting lost pets while NHS provides services for pet owners including a help desk as well as pet adoptions.

When faced with a budget crisis and seeking to improve outcomes for impounded animals, Oklahoma City developed a similar successful partnership with the Central Oklahoma Humane Society. These partnerships, when tied to saving animal lives, indicate to the community, nonprofits, and philanthropists that a municipality is concerned with the wellbeing of animals in their care. In the case of Oklahoma City this brought attention and investment from both local and national organizations into their programs.

These partnerships can be broad-based or program specific. In the City of Log Angeles, public spay and neuter services are considered a priority and veterinary clinics exist in city facilities to achieve this goal. The City however sublets those spaces to nonprofit entities that manage those clinics, deliver services, and hit pre-agreed upon benchmarks in lieu of rent. The complexities of delivering this specialized service are shifted to the sublessees allowing the City to concentrate on its public safety and animal care responsibilities.

Any service or program should be considered an opportunity for partnership. Social service organizations that focus on humans are often overlooked but can provide unique and supportive partnerships to help enhance programs and expand resources. Some common partnership opportunities include:

- Veterinary services such as vaccinations or spay and neuter surgeries
- Adoption programs
- Animal care
- Community cat programs
  - Pet retention or pet help desks either at a facility or virtually
- Legal aid and housing assistance
- Behavior and training
- Pet food banks
- Volunteer clubs (Boys/Girls Clubs, YMCAs, etc.)
- Domestic violence shelters and other social service organizations

Additional reading/references

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-*21st Century Animal Control, Maddie's Fund* https://www.maddiesfund.org/assets/documents/Institute/Creating%20a%20Win- Win%20by%20Mitch%20Schneider.pdf

-*Non-Profit Partnerships for Animal Shelters Grow*, Reason Foundation https://reason.org/commentary/apr-2013-animal-shelters/

Chapter 9

Telemedicine: Removing Barriers to Community-Supported Veterinary Services

Introduction

One of the positive developments of the COVID-19 era is the increased awareness, acceptance and widespread use of telemedicine services. For physicians, the practice is permitted in all 50 states, though some states regulate the practice differently than others; for example, six states require physicians to register with their respective medical board if they wish to practice across state lines.[1]

For veterinarians, the practice is less widespread, though increasingly in-demand (and utilized) by practitioners, human clients (pet owners), and municipalities, who are eager to utilize the effective and cost-efficient practice at their local animal shelter. The main barriers to fully enacting robust telemedicine services provided at your municipal shelter are statutory and regulatory hurdles. This chapter will delve into the benefits of these types of services and offer practical solutions for removing the barriers to implementation.

Removing barriers to benefit the community

There are considerable benefits to be gained by embracing and utilizing telehealth and telemedicine services through your local municipal shelter and in partnership with veterinarians in your community. The first benefit is that people who foster a cat or dog from the local shelter will have direct access to a licensed veterinarian who can provide effective and safe care (within the boundaries of the law) for the pet in a streamlined manner. These efficiencies lead to cost savings, and those savings free up resources that can be repurposed towards other lifesaving efforts, like implementing robust trap-neuter- vaccinate-return (TNVR) programming (*see the Community Cats chapter of this manual for further details*).

Another benefit is simply connecting veterinarians with pets in need of care. There is a shortage of licensed veterinarians in many parts of the country, which leads many pet cats and

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dogs to go without needed veterinary care or vaccinations. Research conducted by Best Friends Animal Society found that 15.8% of counties in the United States, home to 1.5 million households, do not have any veterinarian practice.[2] These "vet deserts" lead to owners delaying or forgoing necessary care for their pets. In fact, according to a study conducted by Bayer and the American Association of Feline Practitioners (AAFP), 52% of owned pet cats in the United States had not been taken to the veterinarian in the past year for necessary checkups.[3] The numbers for pet dogs were slightly better but the gap between necessary services was still unacceptably high.

These service and care problems can usually be mitigated by the use of telemedicine. Remote care can be provided to patients and clients in these "service deserts" for evaluating, diagnosing and treating their pets. For animal shelters, the shelter veterinarian can provide these services to pets adopted or fostered from their program, saving time and money for all parties.

As a general matter, telemedicine has been embraced by the American Veterinary Medical Association (AVMA), the preeminent national organization representing veterinarians:

> The AVMA is committed to ensuring access to the convenience and benefits afforded by telemedicine, while promoting the responsible provision of high quality veterinary medical care. Veterinary care, whether delivered through electronic or other means, should be provided with professionalism.[4]

Especially during the COVID-19 crisis, when social distancing restrictions limit veterinarians' ability to offer traditional in-person services, a number of states have issued executive orders and other guidance documents that increased access to these services.

For example, in Michigan, the governor ordered all veterinary facilities to develop plans so that "all veterinary services, essential and non-essential, must be performed by telemedicine to the fullest extent possible."[5] In Alaska, veterinarians were permitted to prescribe controlled substances to a client without an initial in-person visit[6] and in September 2020, the Board of Veterinary Examiners promulgated a regulation that allows for the veterinarian-client-patient-relationship (VCPR) to be established by means of telemedicine.[7] In Washington, A policy statement from the licensing board allows veterinarians to practice telemedicine without first establishing an in-person VCPR if, in the professional judgment of the practitioner, establishing a VCPR remotely is "appropriate."[8]

If telemedicine is already permissible in your state, municipalities should implement these services into the care provided by their shelter veterinarians (or to private practice veterinarians contracted to provide services). The cost savings and improved care for the animals will be seen almost immediately. There is market demand for telemedicine and a variety of available technologies that veterinarians and clients can utilize.

The Washington order is appropriate and functional whether there is a declared emergency or not. The flexibility allows veterinarians to use their professional judgment in determining if telemedicine is appropriate, and if so, whether to establish an in-person VCPR first. These are professionals that are licensed and regulated by the state and they are already granted the leeway to act in accordance with their training and best practices. Allowing the flexibility to choose the most appropriate delivery model for services to your community should be permitted and municipalities should work with their elected officials to advocate for necessary changes to the laws and regulations when these services are hindered or prohibited.

If telemedicine is already permissible in your state, municipalities should implement these services into the care provided by their shelter veterinarians (or to private practice veterinarians contracted to provide services). The cost savings and improved care for the animals will be seen almost immediately. There is market demand for telemedicine and a variety of available technologies that veterinarians and clients can utilize. We suggest that municipalities address any statutory or regulatory barriers in order to fully implement the services in your community, including advocating for any necessary changes with your elected representatives in the state legislature and the governor.

Notes

1. *See Telemedicine Policies Board by Board Overview*, Federation of State Medical Boards. https://www.fsmb.org/siteassets/advocacy/key-issues/telemedicine_policies_by_state.pdf (July 2020).
2. Research conducted by Best Friends Animal Society, using 2018 data from the American Veterinary Medical Association (AVMA). 2020.
3. Bayer Veterinary Care Usage Study (2013).
4. *See AVMA Policy on Telemedicine*. https://www.avma.org/resources-tools/avma-policies/telemedicine.
5. Temporary restrictions on non-essential veterinary services Executive Order No. 2020-32 (March 30, 2020). https://content.govdelivery.com/attachments/MIEOG/2020/03/30/file_attachments/1414608/EO%202020- 32%20Emerg%20order%20-%20vet%20services.pdf.
6. *Telehealth and Licensing during COVID-19* (issued March 18, 2020) https://www.commerce.alaska.gov/web/Portals/5/pub/TelehealthLicensingGuidelinesCOVID193.18.20.pdf.
7. *See* https://regs.cqstatetrack.com/info/get_text?action_id=1236617&text_id=367422&type=full_text.
8. *Veterinary-Client-Patient Relationship Requirements During the COVID-19 Response* Policy Number: VBOG 20- 02 (May 15, 2020) https://www.doh.wa.gov/Portals/1/Documents/2600/2020/VCPR-COVID-19PolicyStmt.pdf.

Chapter 10

IMLA Volunteer Section

Recommendations

Volunteers benefit shelter operations in a number of ways. Having the community involved in operations in Municipal shelters is the best way to save money, foster good will, garner more positive support and is a direct display of an organization being transparent with their community. The other reason for having volunteers involved is to augment operations and to have more hands to help implement or improve programs. Example of jobs for volunteers that we see many shelters have: Dog walkers, Dog trainers, Cat cuddlers, Laundry helper, Animal Care support, Adoption staff, Community liaison, Greeter, Animal Control/Field officer helpers, Community Cat Helper, Veterinary assistant.

If you have a job or a need, there's a good chance that a volunteer can help. And just as good a chance that a volunteer will step up who wants to.

Engaging citizens to resolve animal-related issues in the community has been used by some municipalities for many years and this approach is increasingly gaining popularity. When you bring the community in and treat them as part of your team, you will find they will be your biggest supporters and your greatest asset to saving lives and helping to keep costs under control.

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Barriers or Concerns

There are many localities that feel they can't allow volunteers for several reasons. Below are the ones that most common:

1. Liability concerns – afraid of a volunteer getting bitten, or injured that would cause a lawsuit
2. Negative PR around operations or internal issues
3. Staff time to train and supervise
4. Volunteers might cause "problems" or become whistle blowers
5. Volunteers might do something wrong and create a problem for operations or leadership

Solutions

We know there are some fears around allowing the public to help in a shelter environment. But there are easy steps, strategies and tools you can employ to set up volunteers for success.

1. Determine needs, create applications, jobs and job descriptions
2. Create program procedures, documents, forms and training. A code of conduct or ethics will be important to have to set expectations
3. Recruit and train volunteers
4. Administer the program

To learn more about how these solutions are implemented and examples please continue reading.

One of the most important ways to improve shelter volunteer involvement is to identify the needs and areas where volunteers can assist. Each department should make a list of jobs that could use extra help, the jobs that aren't getting done currently, and professional roles that could help the organization improve. Then each job should have a job description, requirements, who they report to, goals and expectations of time.

Example of jobs for volunteers[1]

Overview of volunteer positions

- Administrative
  - –Assist adoption and front desk staff.
  - –Assist with educational and children's programs.
  - –Data entry.
  - –Social media, pet photographer, adoption writeups
- Dogs
  - –Dog walking.
  - –Dog adoption attendant.
  - –Assisting with play groups, training classes, etc.
  - –Adoption Event help
- Cats
  - –Cat adoption attendant.
  - –Petco/Petsmart Care.
  - –Cat socialization.
- Pet Care
  - –Morning cleaning.
  - –Spot cleaning.
  - –Laundry/dishes.
  - –Prepping medicine meatballs.
  - –Prepping treats and enrichment tools.

> It's important to remember that most people who come to the shelter to volunteer have honest intentions to help the organization and the animals. The chances of finding a volunteer with an animal cruelty or neglect conviction on their record are so low it is not worth the amount of resources utilized. These types of checks can create an untrusting environment with the public and lessen their involvement, as well as bottleneck receiving badly needed free help being offered.

Job descriptions[2]

Job Title
Reports to: (*position title, department or division*)
Organizational Impact: *(How is this position helping the animals and/or supporting the mission of BF? 1-2 sentences)*
Position Function/Goals/Deadlines:
Time Commitment and Location of Work:
Core responsibilities:
(Use as many bullet points as needed, listing brief action-oriented duties)

Qualifications/Requirements:

Treating volunteers like staff regarding having proper training, guidelines, reporting structure, expectations and confidentiality agreements is critical to successfully having volunteers.
Here is a case statement from the Arlington, Texas Animal Services division that is a great resource on these steps.[3]

Recruiting Volunteers

The first thing that animal lovers who visit a shelter want to know is this: "What must I do to become a volunteer at your facility?" Many of our volunteers joined the program after asking staff or current volunteers about it, either at the shelter or during off-site events. However, each organization has its own specific wants and needs for volunteerism.[4]

- **Easy Targeted Recruitment:** targeted recruitment may be required because specific skill sets are needed, for example, Arlington Animal Services recruited volunteers with specific skills for our new photography studio. A "How to Become a Volunteer" information card, containing frequently asked questions and answers along with contact information, can be a helpful tool in recruiting volunteers both on location and off-site. Distributing the information cards to interested customers allows staff to immediately capture them as potential volunteers.

- **Recruiting Group Volunteers:** Volunteers may also come in groups, such as high school or college students or workers from local businesses. Groups can assist with special projects designed to be completed within a specific time frame, or the shelter may have simple duties assigned to these volunteers, such as cleaning, greeting guests and washing dishes. These types of volunteer opportunities are usually short-term (e.g., one day) and require

a special short- term project waiver rather than the regular volunteer approval process.

- **All ages**: Your volunteer pool can, and should, include all ages, from children to mature adults. Specific tasks will require age restrictions, of course, so these concerns should be addressed during the design of protocols for each area of volunteer opportunity, Younger volunteers can attend educational programs and assist with limited-duty projects such as sanitizing doorknobs, cleaning windows, or sweeping and mopping. Many times, their youthful enthusiasm leads to them becoming adult volunteers or employees with hopes and dreams of helping animals. Volunteers 18 years or older can receive specialized training within your organization that could possibly lead to a career within the animal welfare field. In all cases making sure you have your liability forms signed by parents or guardians in cases where the volunteers are younger than 18 will be an important step in your process.

Application Ideas[5]

Application Do's

- Logo/branding of your shelter.
- Mission and brief impact statement.
- Personal information such as name, phone, email, address, employer.
- Emergency contact(s).
- Availability of the individual.
- Areas of interest - this should connect to your mission and roles needed at your organization.
- Selection of skill-sets the individual has outside of direct animal care - this is a great way to identify and leverage help for current and future needs.
- How did they hear about the volunteer program?
- Why do they want to volunteer at your shelter?
- Any allergies or other limitations that may require accommodation or may restrict volunteer activities.
- Agreement and/or waiver to volunteer with your shelter.

Application Don'ts

- Don't make the application too wordy.
- Don't use jargon or shelter-specific language.
- Don't just file the application and ignore the details from the applicant.
- Don't just have one type of application - be sure to customize for adult, minor, group, community service and foster volunteers.
- Don't forget skills-based volunteers! ***(See ideas in the resources section below)***

Background Checks

It's important to remember that most people who come to the shelter to volunteer have honest intentions to help the organization and the animals. The chances of finding a volunteer with an animal cruelty or neglect conviction on their record are so low it is not worth the amount of resources utilized. These types of checks can create an untrusting environment with the public and lessen their involvement, as well as bottleneck receiving badly needed free help being offered. Plus, the time and cost associated with background checks is not worth the results you obtain.

If you do decide to go this route, we suggest that you track it and see how many people end up not being able to volunteer as a result of background checks and then re-evaluate to see if it is worth the time and cost.

Concerns of injury

We understand that being in a shelter carries certain risks, such as the potential of animal bites or injuries, and other types of potential liabilities. Every shelter that allows volunteers has them sign a release or a contract before volunteering. This can help mitigate many of the legal risks. The key to limiting liability lies in the specific language of the release. In *Biscamp v. Special Pals, Inc.*, an Appeals Court in Texas affirmed the trial court's finding that the waiver that Appellant signed prior to volunteering with Special Pals expressly released it from "all liability caused by its own failure to ensure a safe environment for volunteers with respect to the risk of injuries from dog bites that might occur."[6]

Here is one example of a release statement.[7]

Release

I understand that the handling of animals and other Volunteer activities on behalf of the LHS may place me in a hazardous situation and could result in injury to me or my personal property. In consideration of the premises, the mutual promises herein contained and LHS allowing me to donate my services to the LHS, and on behalf of myself, and my heirs, successors, personal representatives and assigns, I hereby release, discharge, indemnify and hold harmless the LHS and its directors, officers, employees, volunteers, and agents, and their successors and assigns, from any and all claims, causes of action and demands of any nature, whether known or unknown, arising out of or in connection with my activities and the donation of my services as a Volunteer for the LHS.

** If you are under 18, we must have your parent or legal guardian's signature.

Training Volunteers

First and foremost be clear with volunteers on what is expected of them. Have clear code of conduct will go a long way to establish the appropriate manner in which volunteers should behave in the shelter environment.

Code of conduct[8]

As a volunteer you are an ambassador for our organization. We ask that you do your best to represent us and our pets well, and in order to do that, we ask that you adhere to the following policies and procedures:

- No possession of use of drugs, alcohol, or weapons will be permitted
- Harassment of any kind will not be tolerated
- Abusive behavior, racist or discriminatory behavior, verbal or physical, toward LHS staff, other volunteers, or visitors will not be tolerated
- Any negative posts on social media will not be tolerated,

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please be encouraging and point people to LHS with questions or concerns
- If for whatever reason you are no longer able to volunteer at LHS, you must notify the volunteer coordinator. You will be asked to fill out a volunteer exit survey that is meant to help improve our program.

A well-trained volunteer has the skills and knowledge necessary to be an asset to your organization.

Sometimes we might be tempted to simply throw the volunteer into a new situation. "Just watch Susan. She'll show you what to do," or "Just help out however you can." After all, training takes time, and time is a resource we never seem to have enough of, right? But inadequate training can result in a variety of negative outcomes.

1. Safety risks increase for both volunteers, staff and the animals in your care.
2. Volunteers feel uncertain and uncomfortable. They may feel that their time is being wasted.
3. Staff is frustrated with having to answer the same questions repeatedly. They worry about volunteers getting hurt or causing damage. Their workload actually *increases* due to the constant demands on their attention and the need to fix mistakes made by untrained volunteers.

Here is an entire module on setting up training for your volunteers so they will be successful and safe. Remember that training staff on expectations, why volunteers are needed and how to properly train them, is important for the best results all around.[9]

Confidentiality concerns

When you hear of volunteers being whistle blowers or communicating negatively on social network channels it can be very concerning. These incidences are usually few and far between with most volunteers seeing themselves as part of the operational team and are great defenders of the organizations they help. Keeping good relationships with volunteers is a matter of setting them up like staff with a clear avenue to discuss grievances, to make them feel heard and to communicate the "why" behind your decisions.

Example of a Confidentiality statement[10]

- I agree I owe duties of loyalty and confidentiality to the Organization at all times during my volunteer work and following the conclusion of my volunteer work, whether voluntary or involuntary, and agree to hold in the strictest confidence all Confidential Information, unless disclosure is required by law, and further agree that I will not use such Confidential Information for my own benefit or to the detriment of the Organization and/or its Board of Directors and/or Officers during my work with the Organization or anytime thereafter. "Confidential Information" shall mean any information, including but not limited to, internal Humane Society activities, proprietary Organization information, personal information of any donor, adopter, customer, volunteer or any individual obtained at the Lynchburg Humane Society, data of any kind, animal care techniques, vendor lists, operating methods, trade secrets, costing, pricing and financial data, financial statements and projections, project results and tests, Organization business plans and proposals, data and information the Organization receives in confidence from other parties, personnel matters, or confidential matters of the organization.

Have a grievance policy to reduce the potential for things to go wrong for your shelter. This can be a tool to help address problems that arise in a quick and fair manner and to keep focus on the mission.

Different organizations handle grievances in different ways – some factors that can influence how organizations create procedures include size, culture and structure. In a municipal environment there is likely a protocol for involving the Human Resource department and it is always good to involve them in setting up your procedures.

Grievance procedures might include:

- Designated grievance "contacts" in your organization. More than one grievance contact will help to minimize potential conflicts of interest. Grievance contacts should act as a source of advice for informally clarifying the nature of grievances.
- Staged process - this is consistent with timeliness and solving problems close to their source. This would include the different stages if the grievance is not resolved at first.
- Guidelines for documentation - both informal and formal.
- Guidelines with withdrawing grievances.
- Guidelines for alerting senior leadership to grievances that include threats to physical safety or potential criminal behavior; so that all appropriate parties such as police, legal, and HR can be looped in.

Releasing or terminating a volunteer[11]

When most of us think about releasing a volunteer, we often worry about negative repercussions. Will the terminated volunteer go to the board? Will they bash the shelter on social media? Will they call up the local TV news? Well *maybe*. On the other hand, if you keep them around, here are some things that will almost certainly happen:

- Staff frustration will grow and result in a negative attitude toward volunteers.
- There will be conflict with other volunteers.
- New volunteers will begin to think that the volunteer's inappropriate behavior is acceptable.
- There will be negative interactions with the public.
- There will be situations with the animals that are unsafe or disruptive to their routine.

So, look at the big picture and figure out what is the best

option for your organization.
Releasing a volunteer does not always mean they are released from the organization entirely; it could mean they are reassigned to a different role.

When and how do you release a volunteer?

- Multiple small issues, such as attendance, failure to adhere to policies/procedures.
- One big issue, such as hurting an animal, being under the influence, theft.

In either case, be sure the steps to provide sufficient & timely feedback, support and warnings have been provided. And always keep accurate and timely records to create a record.

Communication with Volunteers[12]

It is important to communicate with volunteers as you would with your paid staff. Sending regular emails, posting notices on volunteer boards and having a point of contact on staff for them to go to with questions and concerns will be important.

- What do volunteers need to know about?
- Policies and procedures: What to do and what not to do. Let them know about changes that are being made, preferably *before* they happen.
- Staff roles and responsibilities: Sharing an organizational chart can be helpful. Let them know about staff comings and goings. Make sure they know who to go to in various situations.
- Special events: When are they happening? What are they about? How will they impact the volunteers? If elements change (date, time, location, etc.) provide updates.
- The animals: What is their backstory? Do they have any special health or behavioral issues? Have they been walked today? Have they been fed? Do they need to be groomed? Are any animals in quarantine? Are there any outbreaks (RINGWORM!) going on that volunteers should be watching out for? What successes have been had for adoptions?
- Media attention: Whether it's good news or bad news, give volunteers a heads up if your shelter is about to be in the spotlight. Tell them as much information as is appropriate. And be sure to give them guidance on how they should interact with the media and/or public regarding the news story.
- Facility happenings: If you know that there is going to be construction, remodeling or repairs going on at your facility, give volunteers as much notice as possible. Maybe the water or AC will be off, or they will need to walk dogs on a different route, or access to certain areas of the shelter will be closed off. This is all information that should be shared.
- Volunteer program: Of course, you need to share volunteer-specific news. Are you looking for mentors? Is there a new position they might be interested in? Is your quarterly volunteer/staff potluck coming up? Has there been a shift schedule change? Do they need to be reminded of a policy that isn't being followed? How can they share their constructive feedback?

Conclusion

A leader of a shelter once explained how he thought things should be. He had realized that he was *never* going to have a budget to hire enough staff. He realized the only way he would ever be able to make progress would be through a strong, thriving volunteer program.[13]



He came up with a new vision for the role of volunteers at his shelter. This is what he envisioned: a volunteer program that was at the core of everything the shelter did. One that would reach out to support operations, programs, services and departments throughout the shelter.

Including the community in your day to day operations will only make your agency stronger and more efficient.

Example Reference Documents

- Example of a Volunteer Contract
- Best Friends Animal Society Code of Conduct form
- Miami-Dade Animal Services Volunteer Application
- Williams County Animal Services Code of Conduct
- Indianapolis ACS Volunteer Application

1. *Volunteer Manual,* Lynchburg Humane Society
2. *The Foundations of Volunteer Engagement,* Best Friends Animal Society
3. The Appendix on *Volunteers*, Best Friends Animal Society's Animal Control Manual.
4. *Id.*
5. *The Foundations of Volunteer Engagement,* Best Friends Animal Society
6. *Biscamp v. Special Pals, Inc.* (Tex. App.—Houston [1st Dist.] 2020)
7. *Volunteer Manual,* Lynchburg Humane Society
8. *Id.*
9. *The Foundations of Volunteer Engagement,* Best Friends Animal Society
10. *Volunteer Manual,* Lynchburg Humane Society
11. *The Foundations of Volunteer Engagement,* Best Friends Animal Society
12. *Id.*
13. *Id.*



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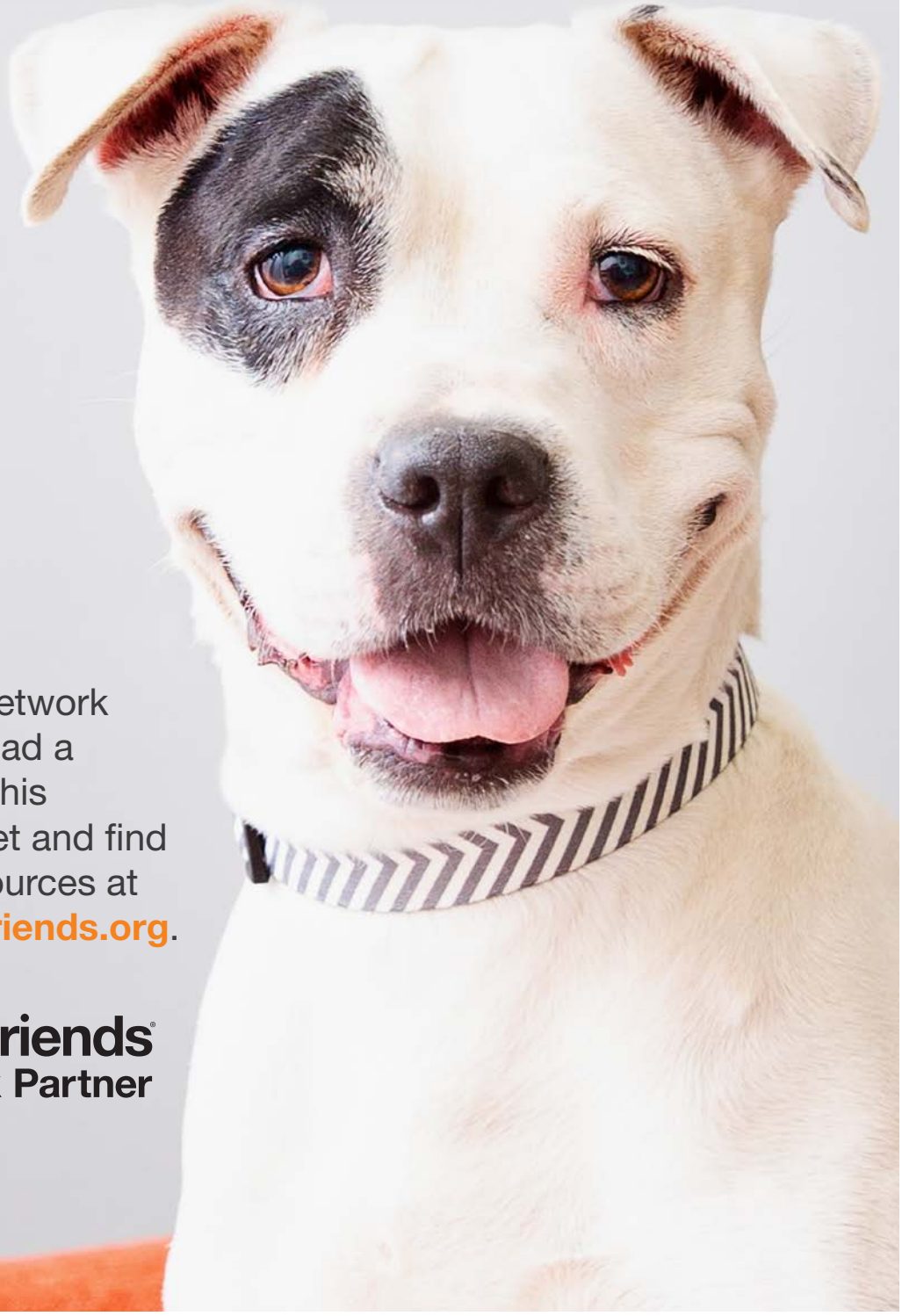

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