

## Pet Rules for Pets & People

Pet rules are more about *people with pets* than about pets. For example, a rule that disallows dogs on common-area turf probably won't eliminate Daisy's deposits on the lawn. However, a rule stating that dog walkers must pick up and properly dispose of Lucy's leavings will place the responsibility squarely on the owner, not the animal. Staying focused on regulating the behavior of the owner will be helpful as you draft, amend and enforce your pet policies, particularly if you're considering restrictions such as size or weight.

Pet rules should be consistent with the association declaration, bylaws, local and state statutes and federal regulations; they should also serve a purpose. Above all, though, pet rules should be reasonable. Associations should encourage compliance with pet rules by involving residents in their development, publicizing rules frequently, communicating with nonresident owners, being a resource for residents and handling neighbor complaints using standard procedures.

Inconvenience seems to be the reason most don't pick up after their dogs; however, convenience can be increased by providing aids such as pet waste stations around the community. These are wastebaskets with plastic bag dispensers for picking up animal waste. Associations that provide these conveniences have seen a significant reduction in messes left on the common areas.

Pet rules should be enforced even-handedly and consistently. Once you're sure you have a valid complaint or a problem pet owner, the logical way to begin is with a friendly inquiry. If a personal chat fails to solve the problem, the next step is to send a written notice.

If residents still don't comply, try creative incentives before pursuing legal action. For example, suspending privileges like parking or pool passes may get the attention of an errant pet owner. Requiring pet liability insurance and obedience training are good alternatives to making a resident get rid of an unruly pet. And hiring professional pooper scooper services may be easier than wrangling with residents to pick up after their pets.

Associations should focus on behavior—the pet's and the owner's—rather than on size or breed when drafting pet rules. Many associations restrict pets according to size (either by weight or height) on the assumption that big animals cause more damage and are more difficult to handle. Size restrictions are difficult to monitor and very difficult to enforce. Like size restrictions, breed restrictions ignore the fundamental issue—the behavior of the pet (usually a dog) *and* its owner. Don't rely on size and breed restrictions alone to cover all problems. Be sure your rules address the undesirable—or even unruly—animal behavior, such as biting, jumping or fighting.

In some areas, the local Humane Society or the SPCA provides animal-control services under contract to local governments that can be resources to associations with pet problems. Importantly, according to the Federal Fair Housing Act, service animals are exempt from pet policies and rules. Always talk to your association attorney when a disabled resident asks for an exemption.

Be sure to set reasonable pet policies and consider creative solutions. People love their pets, so try and look for compromises that allow all residents to enjoy the community.