



# Pets Are FAMILY

## FAIR HOUSING ACT

Model  
Legislation to  
End Housing  
Discrimination  
Against People  
with Animal  
Companions



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### Model Legislation to Prohibit Housing Discrimination Against People with Animal Companions

**S**EVENTY-THREE MILLION American families share their homes with 175 million dogs and cats. The number of other animal companions—such as rabbits, hamsters, and gerbils—adds hundreds of millions more. We talk to them, keep their photos on our cell phones, celebrate their birthdays, vacation with them, take time off from work to care for them when they are sick, and when it is time to say goodbye, we grieve. For the vast majority of people, the bond they share with their animal companions is a familial one, born of love and mutual affection.

And yet, many families are unable to find housing because of discrimination against their animal companions, breaking up families and, in some cases, even leading to homelessness. Those already in rental housing where animals are not allowed may be forced to choose between losing a family member or losing their home. Indeed, lack of pet friendly housing is a major reason for pet abandonment and relinquishment to animal shelters. It doesn't have to be this way. Allowing renters to live with pets is not only the right thing to do, it is financially beneficial for landlords, too, as reduced vacancy and long-term tenancy mean more money in the pockets of landlords. That is why smart landlords allow pets.

But leaving such choice to discretion is not enough. We should not only encourage fair housing opportunities, but have laws to ensure it as well. Given the profound nature of the relationships that often develop between people and their animal companions—the love, the mutual affection and often, the emotional dependence—our legal system should recognize their im-

portance. It is illegal in the U.S. to discriminate in rental housing against families with children. As animals are also family, similar rules should apply. For as long as the concerns about pets are addressed—such as a reasonable deposit against damage—the privilege of living with a dog, cat, or other animal should not be reserved to those fortunate enough to own their own home.

**For the vast majority of people, the bond they share with their animal companions is a familial one, born of love and mutual affection. Yet many families are unable to find rental housing because of discrimination against their animal companions.**

There's already precedent for this. In addition to federal law which bans housing discrimination for people with children, owners of properties that are designated for the elderly or handicapped persons and are either subsidized or insured by the U.S. Department of Housing & Urban Development cannot prohibit residents from living with a pet. Reasonable health and safety rules and a pet deposit which "may not exceed \$300" are allowed.



Despite concerns about allergies, noise, and the possibility for property damage, a study of landlords who do permit companion animals shows that these concerns are overblown and easily addressed. In addition, a study found that even tenants who don't have and don't necessarily want an animal companion of their own are overwhelmingly in support of allowing animals in the buildings in which they reside.

Ensuring fair housing opportunities would not only benefit animals by increasing adoptions from local shelters by opening up available homes for people who want them, but it would benefit people, too. Companion animals not only improve cardiovascular health and reduce feelings of loneliness, but a University of Denver study found broader impacts on public health and social cohesion, including increases in social contacts, civic engagement, and "perceptions of neighborhood friendliness."

Finally, a pet friendly rental law would be an economic boon to the local community and state. In addition to reduced costs associated with killing at the local shelter and a corresponding increase in adoption revenue and other user fees, such a policy would lead to increased spending in the community, as well as additional tax revenues from that spending. The University of Denver found that pet friendly laws positively impact a city's ability to attract new residents and businesses, such as Google and other national firms as pro-pet policies are "attractive to a young, vibrant, pet-loving workforce."

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good for landlords, good for tenants, good for taxpayers, good for business, good for neighbors, and very, very good for animals.

The No Kill Advocacy Center's model legislation to combat housing discrimination for renters (as well as condo and co-op owners) who have animal companions would result in all these benefits while ensuring that landlords are protected against damage without breaking up families. It is



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SEC. 1. The Legislature finds and declares that:

Throughout history, art and literature have depicted humans of all walks of life and social strata with animal companions, illustrating their widespread acceptance in everyday life. Living with animals has a long historical pedigree and is found in virtually every culture in history and across continents.

Closer to home, our own culture is populated with examples of the well-established place animals have found in our hearts and homes. People of all ages enjoy their companionship. For some people, they offer a welcome relief from loneliness. For children, an animal in the home contributes warmth and unconditional love, and teaches consideration for the needs of another creature. Those who suffer from disease or injury experience a therapeutic, even emotional, benefit from their presence.

Indeed, people throughout the United States often choose animals over human partners and over having children.

In addition, pro-pet policies reduce killing and costs at the local animal shelter, increase adoption revenues, tax revenues, and economic spending, improve civic engagement and public health, and encourage both individuals and businesses to relocate to a community.

As fears about pets causing damage are exaggerated and can be mitigated by less restrictive measures than an outright ban—such as reasonable pet deposits—outdated practices that threaten to cut off humans and animals alike from deep, meaningful, and loving relationships should be prohibited.

SEC. 2. It shall be unlawful:

(a) For the owner of any housing accommodation, his or her designee, or other person, organization or entity whose business involves the sale, rental, or leasing of housing to discriminate against any person because they have an animal companion.

(b) For the owner of any housing accommodation, his or

her designee, or other person, organization or entity whose business involves the sale, rental, or leasing of housing to make or to cause to be made any written or oral inquiry concerning the animal companion of any person seeking to purchase, rent, or lease any housing accommodation until after agreement has been reached to purchase, rent, or lease any housing accommodation and then only as to determining compliance with section 3.

(c) For any person to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale, rental, or leasing of housing that indicates any preference, limitation, or discrimination based on animal companions or an intention to make that preference, limitation, or discrimination.

(d) For the owner of any housing accommodation, his or her designee, or other person, organization or entity whose business involves the sale, rental, or leasing of housing to harass, evict, or otherwise discriminate against any person in the sale, rental, or leasing of housing when the owner's dominant purpose is retaliation against a person who has opposed practices unlawful under this section.

(e) For the owner of any housing accommodation, his or her designee, or other person, organization or entity whose business involves the sale, rental, or leasing of housing to otherwise make unavailable or deny housing based on that person having an animal companion.

(f) As used in this section:

(1) "animal companion" means an animal of the kind usually kept as a pet who resides and sleeps indoors, such as a dog, cat, rabbit, bird, fish, hamster, gerbil, or other animal who typically resides and sleeps indoors.

(2) "housing accommodation" means any dwelling for human habitation including, but not limited to, a house, apartment, condominium, townhome, or co-op and includes both single family dwellings and multi-family dwellings.

(3) "owner" includes the owner and his or her designees, including but not limited to any person or other organization or entity whose business involves the sale, rental, or leasing of housing.

(g) Nothing in this section shall preclude roommates who are allergic to animals to restrict renting a room of a single housing accommodation to someone who does not have an animal companion of the kind that causes the allergy.

(h) It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, the rights granted by this section.

### SEC. 3. Landlord Rights and Responsibilities.

(a) Nothing in this section precludes an owner from requiring the following:

(1) A reasonable pet deposit, not to exceed 10% of the security deposit, for each animal;

(2) The animal(s) to be sterilized and current on vaccinations and the owner of such to provide proof thereof, with the exception of fish and other animals where sterilization and vaccination is determined medically inadvisable by a veterinarian licensed to practice medicine in this state; and,

(3) A limit on the number of animals to no more than three or the pet limit law of the city, county, or state, whichever is less.

(b) It shall be unlawful to ban, bar, limit or otherwise obstruct the rental, lease, or purchase based on the animal companion's breed, breed mix, age, appearance, weight, or size.

(c) Nothing in this article precludes an owner from enforcing reasonable rules relating to the quiet enjoyment of other tenants such as noise, sanitation, and safety, so long as such enforcement is reasonably justified by noise, sanitation, or safety reasons and is not undertaken for reasons prohibited by this statute.

(d) There shall be no civil liability to the owner of any housing accommodation, his or her designee, or other person, organization or entity whose business involves the sale, rental, or leasing of housing for any injury to persons or property resulting from an animal companion as a result of compliance with this section.

### SEC. 4. Enforcement.

(a) Any person claiming to be aggrieved by an alleged violation of this section may file a complaint with the Department of Fair Employment and Housing.

(b) The filing of a complaint and pursuit of conciliation or remedy with the Department of Fair Employment and Housing shall not prejudice the complainant's right to pursue effective judicial relief under other applicable laws, but if a civil action has been filed, the Department shall terminate proceedings upon notification of the entry of final judgment unless the judgment is a dismissal entered at the complainant's request.

(c) In a civil action brought under this section, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award the plaintiff actual and punitive damages and may grant other relief, including attorneys' fees and the issuance of a temporary or permanent injunction, or temporary restraining order, or other order, as it deems appropriate to prevent any defendant from engaging in or continuing to engage in an unlawful practice.