

Pet Limit Laws: Closing the Door to Loving Homes

April 10, 2000

Proponents of pet limit laws argue that these ordinances are necessary to stop animal neglect and abuse caused by people who take in more animals than they can adequately care for. Others claim that pet limits are necessary to ensure sanitary conditions, or to maintain safe and pleasant neighborhoods.

But are pet limit laws necessary to address abuse, neglect, unreasonable noise, and lack of sanitation? Or, do they end up limiting the availability of loving homes and putting the lives of dogs and cats at risk?

The San Francisco SPCA has considered the various claims made for strict pet limit laws and found little in the way of evidence, or common sense, to support them. What we found was that pet limit laws:

- are unnecessary to protect the well-being of people and animals
- are arbitrary and intrusive
- penalize responsible pet owners
- force many caregivers to stop providing care to homeless animals
- put the lives of even well cared-for animals at risk

At the same time that household limits discourage responsible individuals from providing a good home for more needy animals, they do not prevent an irresponsible one from acquiring unlimited animals. Unfortunately, caring can't be mandated, and a pet limit law will only end up punishing those who care.

Millions of compassionate people provide dogs and cats with food, love, and shelter in their homes. Others may even put aside their own needs in order to care for beloved pets. Still others work tirelessly to feed, foster, and rehabilitate strays and unwanted abandoned animals, all at their own expense. For every one of these caregivers, a pet limit law may exact a heavy toll. Each of these individuals may face citations, fines, other penalties, and even confiscation of the animals they love.

For these reasons, The San Francisco SPCA opposes legislation arbitrarily limiting the number of pets a person can care for in their home.

PET LIMIT LAWS ARE UNNECESSARY

Are pet limit laws necessary to address abuse, neglect, unreasonable noise, and lack of sanitation? Do pet limit laws protect the well-being of people and animals?

In our view, they do not. Whereas one individual may be able to responsibly care for and nurture several animals, another may be unable to care for even one. And if problems arise, enforcement agencies *already* have ample ammunition at their disposal in terms of animal welfare, health and property rights laws. In fact, unsanitary conditions, excessive noise, and interference with property are all unlawful in virtually every community—regardless of whether pets inhabit the premises or not.

PET LIMIT LAWS ARE INTRUSIVE AND ARBITRARY

Just how are pet limits determined? In one community, the limit might be two pets. In others, four, five, eight, even twenty pets might be allowed. More often than not, the number is arbitrarily chosen.

Enforcement is also arbitrary. In response to concerns about pet limit laws, some communities have admitted that these ordinances “will be enforced on a complaint basis, and pets which are maintained indoors or do not raise the ire of neighbors will not generate enforcement.” While it may sound reassuring to some, this justification leaves the door wide open for pet limit laws to be used as a weapon of retribution in neighbor disputes over concerns totally unrelated to pets.

Laws that regulate a person’s behavior inside their home should seek an appropriate balance between the public’s safety and welfare and the individual’s right to privacy. But while pet limit laws are highly intrusive, there is little, if any, corresponding benefit to public safety. What good is gained from an uncompromising prohibition against more than a limited number of pets, particularly if they are confined to an owner’s property and create no problems? Certainly, if neighbors are totally unaware of their presence, prohibiting pets does not in any way protect or maintain anyone’s health, happiness or peace of mind. And what about multi-pet households where neighbors do not mind or even enjoy the presence of these animals? In fact, there is no benefit gained from such a prohibition—nor is there likely to be any enforcement.

Should government pass laws that are not going to be enforced? Should communities outlaw behavior that does not impact neighbors or interfere with the rights of others? Local governments have embraced the position that because responsible multi-pet households will not generate enforcement, these residents need not fear violating the law. In essence, *local governments are making outlaws out of normally law-abiding citizens and telling them it is OK to break the law as long as they don’t get caught!*

Passing laws that aren’t enforced or are enforced sporadically is unfair and counterproductive. Few people are likely to comply with a pet limit law that isn’t enforced. And those who voluntarily comply can probably be counted among the most responsible pet owners in the community. There is little equity or sense in enacting a

law that only ends up penalizing the very people whose behavior is already exemplary. And such a view undermines our respect for the law.

Needless to say, truly irresponsible pet owners will not be affected. If the law is not enforced, they are free to ignore it. If it is selectively enforced against them, they are likely to surrender their animals, adding to the numbers of dogs and cats killed, or abandon them, adding to some of the perceived problems the law was intended to solve.

PET LIMIT EXEMPTION PERMITS ARE ALSO INTRUSIVE AND RISKY

Many local jurisdictions enacting pet limit laws allow caretakers who have more than the allowable number of pets to apply for an “exemption” permit. Therefore, these jurisdictions claim, “responsible” pet owners need not fear the law. This view is shortsighted and would put multi-pet households in a Catch-22: choosing between not seeking a permit and violating the law on the one hand; or, applying for a permit, but risking exposure and confiscation of their pets if they are denied. In other words, multi-pet households would fear applying for a permit, because to do so would expose them to penalties and possible loss of their beloved companions if denied a permit. And, in some jurisdictions, the exemption permit requires a “kennel” license—which cannot be granted in many neighborhoods due to zoning restrictions, no matter how “responsible” the caretaker. In short, no exemption at all!

PET LIMIT LAWS PUT THE LIVES OF ANIMALS AT RISK

It is not uncommon for rescued animals, particularly those who are hard-to-place by virtue of abandonment or abuse, to be in a “foster” environment for long periods of time. Foster homes are in critically short supply in almost every community and it is common for such homes to temporarily house more animals than the average pet owner. In addition, there are countless Good Samaritans who feed and care for neighborhood strays and feral cats. Many pet limit laws define these individuals as “owners” for purposes of enforcing local ordinances. It is ironic that groups and individuals rescuing and caring for homeless and unwanted dogs and cats (often at personal expense) should be targeted for restrictive and punitive legislation.

Of greater concern, caregivers and rescue groups may be forced to stop caring for foster pets or homeless cats, because to do so would violate the local pet limit law, resulting in needy animals being denied care, and also leading to increased euthanasia at taxpayer expense. By contrast, the maintenance of multi-pet households or the feeding of homeless cats—including sterilization, food, and veterinary care—is uniformly accomplished by private citizens at no cost to local government or taxpayers. And pet owners targeted for enforcement may be forced to surrender their well cared-for animals to local shelters where they, too, are at risk for euthanasia and where taxpayers will have to foot the bill.

PET LIMIT LAWS CLOSE THE DOOR TO LOVING HOMES

A town council on the East Coast recently expanded its animal control law to include a provision making it illegal for any resident to own more than five cats. One resident, a 69-year old woman who cared for homeless neighborhood cats, was threatened with fines for violating the law despite the fact that she had sterilized and vaccinated all the

cats. She was given two options by local authorities: turn away the cats who came to her back door looking for food and water; or trap them and turn them over to the animal control facility where they would likely be killed. For someone who very much loved animals, this was no choice at all. Distraught by the threat of legal sanctions, however, she was forced to comply.

And in a county neighboring our own, an elderly couple who cared for several sterilized and well-cared for cats at their private residence were threatened with citations and fines because of a pet limit law that allowed for the caring of only four cats. Under threat, the cats had to be relocated to avoid the risk that they would be impounded and killed at the local animal control facility. The cats lost the only home and caregivers they had ever known, and the couple lost their beloved companions.

Just as pets already in homes may be threatened by limit laws, homeless pets awaiting the chance for a loving new home are also at risk as potential adopters are discouraged from adopting a stray or visiting the local shelter and saving a life.

For much of history, animals were considered mere commodities who pulled our wagons, provided the products for our farms, herded our sheep, and kept our barns free of mice. During the last century, however, socio-economic and moral changes in society at large have produced changes in the status of animals as well. Many animals—dogs and cats in particular—are now overwhelmingly *companions* instead of *servants*. In addition, government laws and services have evolved from promoting animals as property to protecting them as cherished pets.

At the same time, pets do so much good for the community: people of all ages, but particularly the elderly and the young, enjoy their companionship. For single people, dogs and cats can offer a welcome relief from loneliness. For children, an animal in the home provides warmth and unconditional love, and teaches responsibility and consideration for the needs of another creature. Those who suffer from disease or injury often experience a therapeutic benefit from their presence. For the lonely, a pet can provide an incentive to get up in the morning. Animals can also provide a sense of safety and security, allowing many people freedom they would not otherwise have.

While pet ownership may not be a fundamental right, it is unquestionably an integral aspect of our daily life—which cannot be dismissed lightly and should not suffer unwarranted limits. In our view, there is little justification for targeting well-cared for animals and putting them at risk for impoundment and euthanasia.