





# NO PLACE LIKE HOME

**Advocates use prevention  
strategies and fair housing laws to keep  
owners and pets together**

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Maria Cruz and her roommate, Xina, had happily shared their New York City apartment for more than three years when, one day, Cruz received a letter from building management. In the envelope was her uncashed October rent check, and a letter stating that she had 10 days to get rid of Xina—her 4-year-old Yorkshire terrier—or both of them would be evicted.

Cruz couldn't imagine giving up Xina. A lease restriction prohibited Cruz from having a dog, so for years she'd largely been keeping her pet a secret. "I have a friend who lives about eight floors from me," Cruz says. "I told her, 'I'm in trouble. I'm going to be evicted.'" She gave me the number for the Humane Society and said to call them. That was the best thing I ever did."

At the other end of the line was Matthew Wildman, client services manager for Pet Help Partners (PHP), a program of The HSUS. PHP works to keep NYC metro-area families and their pets together when they face pet-related housing problems, financial difficulties, animal behavior issues, and other issues that may threaten their bonds.

For Wildman, Cruz's story was a familiar one. New York can be a tough place to be a pet owner. Renters, who with co-op and condo owners comprise half of the city's residents, are often subject to leases and housing rules that significantly restrict, if not flat-out ban, pets.

Unbeknownst to many pet owners who come into conflict with their landlords, there are laws that may protect their pet ownership. The most notable, the NYC Pet Law, also referred to as the "Three Month Law," is part of the

city's administrative code, and declares that once a landlord, or any employee of the landlord, is made aware of a tenant's pet, the landlord has three months to file paperwork with the court regarding removal of the pet. If more than three months elapse, the landlord waives their right to enforce their no-pet policy.

While the NYC Pet Law has been a significant help in keeping pets and owners together, it did not yet apply for Cruz, whose clock started when she

received the letter from her landlord. In talking with her, though, Wildman learned that she had struggled with ongoing mental health issues related largely to the death of her father. She had been seeing both a counselor and a psychiatrist for some time. To Wildman, it sounded as if Xina wasn't just a trusted friend—she might qualify as an emotional support animal (ESA). While service animals have been specifically trained to perform tasks to assist people with disabilities, ESAs often are not specially trained, but are recognized as providing therapeutic benefits to their owners through companionship and affection. Individuals with valid, documented disabilities or physical or emotional challenges may qualify to keep a pet as an ESA if a physician or mental health professional states in writing that the animal assists with their condition.

"Sometimes people just need problem solving, and I can walk them through the steps they need," Wildman says. He can't provide legal advice or assistance, though. That's where Kate Fitzpatrick came in.

A member of the New York City Bar Association's Committee on Animal Law, Fitzpatrick has donated her

services to assist with several animal-focused cases, and agreed to help Cruz.

"Generally," Fitzgerald says, "residents of New York City are covered at least by the New York City Human Rights Law and the Fair Housing Act," the latter of which is a federal law. Under these laws, property managers and landlords cannot discriminate against people with disabilities by forcing them to get rid of a pet who is classified as either a service animal (such as a guide dog for a blind person) or an ESA. "I would say 90 percent of our cases involve the Fair Housing Act," says Wildman. "[It's] a national law, and it's really the go-to law in helping our clients keep their pets in these situations."

After learning of her rights, Cruz went to both her counselor and psychiatrist. Both agreed strongly that Xina was a significant source of support for Cruz, and attributed much of her progress in therapy to getting the dog. They stated that Xina qualified as an ESA, and wrote letters to that effect, which Cruz sent to Fitzpatrick. The attorney then drafted a letter to Cruz's landlord, copying its law firm, stating that under local, state, and federal law they could not discriminate against her by evicting her because she needed the dog on account of her disability.

They waited for a response, but got radio silence. In the meantime, at the instruction of Fitzpatrick, Cruz continued submitting rent checks. Then, one day, Cruz's October and November rent checks cleared. "[It was] a good sign," Fitzpatrick said, "because they were accepting their part of the contract." The next time Cruz heard from building management was when it was time to start her lease renewal process. After ironing out some details unrelated to Xina, she was able to renew her lease, and because it's now been more than three months since the initial letter from Cruz's landlord, having not received a court date, she is also protected under the Three Month Law.

Cruz no longer has to sneak her pet in and out, and no longer worries about being evicted. "If it wasn't for Matt and the Humane Society, I wouldn't have gotten this far. I give Matt and Kate all the credit."

### Bringing in the Big Dogs

Most of PHP's cases are resolved through a combination of education, counseling, and advocacy, along with the occasional warning letter from an attorney. But in those instances where more significant legal help is needed, PHP staff turn to their colleagues in The HSUS's Animal Protection Litigation department (APL). Located in Washington, D.C., APL develops and implements legal strategies for helping animals, from cruelty cases to housing issues. APL has its own network of valued part-

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ners—individual attorneys and law firms who stand ready and willing to donate their expertise in service of animals. One such firm is Weil, Gotshal & Manges, LLP.

Most days find Paul Ferrillo, counsel at the firm, dealing with securities class-action litigation and regulatory investigations. But the attorney and animal lover believes that animals need a voice, too. A lifelong dog owner, Ferrillo and his firm have a rich history with The HSUS, including the groundbreaking class-action lawsuit against Wizard of Claws, a notorious Florida puppy dealer.

Ferrillo has a special affinity for pet retention cases. “For so many disabled or mentally ill [people], their pet is their life.” And if that is taken away from them, their lives are destroyed, he says. “I’m here to try to help protect their pets.”

The legal eagle and his team of young litigators recently did just that in an important case that stretched well over a year from 2012 to 2013, and traveled from local housing court to federal court. The family, comprising an ailing grandmother, her disabled son, and granddaughter (the only member of the family able to work) had for years enjoyed the company of three beloved dogs—two of whom happened to be pit bulls—without incident. (Pit-bull type breeds are a frequent target of housing restrictions because of common misconceptions about their temperament.) One day, out of nowhere, the struggling family received a notice of eviction from their landlord, stating that they must get rid of the dogs or potentially lose their home.

Desperate for help, the granddaughter did the only thing she could think of—she called 311, the City of New York’s non-emergency information line. When she explained the situation, she was routed to PHP. “The 311 staff are trained so that any call having to do with companion animals goes directly to us,” says PHP program manager Joyce Friedman. “It’s our biggest source of referrals, along with word-of-mouth, the Internet, and other shelters.”

After some initial work on the case, it became clear to Friedman and her team that legal help would be needed. Jon Lovvorn, senior vice president and chief counsel at APL, turned to Ferrillo and his firm, which leaped into action, and secured a stay of the eviction.

“[The grandmother] had multiple, multiple disabilities,” Ferrillo says, as did her son. Doctors thoroughly documented the health concerns, laying the groundwork for the attorneys’ claim that the canines qualified as service and support animals. Additionally, the team had animal behavior experts evaluate the dogs.

Still, despite all of the documentation and multiple appearances in Bronx housing court, the case seemed to be going nowhere. It was time, the firm determined, to take it to the next level. “We brought a disability dis-



crimination lawsuit against the landlord on our home turf—federal court in New York. Long story short... we were able to get a favorable settlement, which allowed the family to keep their animals and basically have the landlord leave them alone,” says Ferrillo. “That took over a year of work and about \$500,000 of pro bono time, but the family was thrilled, and we were thrilled for them.”

Friedman says that having firms like Weil, Gotshal & Manges as supporters adds to the success of a pet retention program because there will be cases that require the assistance of one or more attorneys. She advises shelters and rescues to look to their local bar associations and to local firms to create their networks, then clearly establish the extent to which they are willing to be involved. “Nowadays, a lot of firms want to do animal-related work.”

### To the Bat Phone!

Spreading the word about PHP’s services has been critical to its success, because lack of knowledge of housing and pet laws is a major factor in surrenders, says Friedman. “Only a judge can order a person or animal be evicted, but [tenants] get a letter from their landlord and they’re understandably scared, so they run to the shelter and give up their animals.”

Those who get in touch with PHP prior to heading to a shelter to surrender an animal have relatively high retention rates. But for those who haven’t heard about the program until they show up at the surrender counter, PHP has implemented a strategy to give the owners one last chance for help. The program placed special phones in each of the five

boroughs' Animal Care and Control of NYC shelters. ("It's sort of like a bat phone," says Friedman.) ACC staff have been trained to ask owners who intend to surrender whether they have contacted PHP, and if not, they encourage them to pick up the phone, which connects them directly to Wildman's work cell phone. If Wildman isn't able to take the call immediately, he returns it as quickly as possible, usually within minutes.

"We have higher rates of success with people who contact us before coming to the shelter, but we have saved pets this way," Friedman says. "It's a great thing for intake staff to see people hang up the phone and walk back out with their pets. It elevates morale."

Many of PHP's clients live in NYC public housing, which has a breed ban on pit bull-type dogs, rottweilers, and Dobermans, as well as a 25-pound size restriction. But many residents in violation of the breed or size restrictions have significant physical or mental health challenges that would qualify their pets as service animals or ESAs.

"According to the New York City Housing Authority's own pet rules, if a pet is classified as a service or support animal, breed and weight restrictions go away. But that's not publicized very well," Friedman notes. Last year, the program prevented the surrender of 17 large-breed dogs in public housing.

Whether owner- or landlord-driven, cats are frequently surrendered due to behavioral issues. "For example, a cat not using a litter box can lead to a nuisance issue for an owner or a landlord. Our cat behavior counseling helps get to the bottom of why a cat is doing that in the first place and guides the owner on how to resolve the behavior," says Friedman. "We tell the owner we're willing to talk to their landlord and inform them they are working with us to correct the behavior. We'll ask if the tenant can have a few weeks or months to demonstrate that the behavior has been corrected."

Their methods are working. In 2013, PHP assisted 67 clients with pet-related housing surrender issues, helping to keep 86 animals in their homes.

But the number that PHP is most proud of?

Zero. That's how many people who had valid claims to keep their companion animals, followed PHP's counseling, and still had to surrender their pets. And that's zero more animals going into shelters in the first place. ■



## DOING THEIR HOMEWORK

### Shelters are working to keep pets out of their facilities by keeping them in their homes

While people continue to work for the best outcomes for animals coming into shelters, some groups are channeling Benjamin Franklin by serving up an ounce of prevention. If shelters and rescues can make an impact on keeping animals in their homes, then they can make a major impact on euthanasia numbers.

"Housing issues are the number one broad reason for pet surrender," says Cory Smith, director of pet protection and policy at The HSUS, "and directly addressing them is largely a new experience for shelters." But some groups are starting to take a crack at the issue.

A 2005 study by the Foundation for Interdisciplinary Research and Education Promoting Animal Welfare revealed that only 9 percent of housing allowed companion animals without any significant limitation on size or type. Though just over half of rental housing units surveyed allowed cats, only 11 percent permitted large-breed dogs. More than 80 percent of residents reported having trouble finding a rental unit that would allow their pets, and of those with multiple dogs, 100 percent reported difficulty.

Though urban areas are often thought of as the toughest markets, housing woes are widespread. Survey participants represented a mixture of 14 urban, suburban, and semirural areas from regions across the United States.

Hawaii recently celebrated a statewide victory in the fight for pet-friendly housing with its new Pet Deposit Law, allowing property managers and tenants to negotiate a reasonable deposit (not to exceed one month's rent) to allow a pet to reside in the rental unit. Prior to the legislation, property owners could not collect pet deposits, so some property managers and landlords were reluctant to rent to tenants for fear that they'd be left high-and-dry for pet-related damages. The new law means far more housing options for pet owners. But such large-scale victories are rare. In most areas, animal advocates have been taking on the issue at the local level, shelter by shelter.

### Honing in on the Problem

In Washington, D.C., the Washington Humane Society (WHS) now maintains a pilot program dedicated to helping people resolve housing issues. "The aim of the program is to keep large dogs in their homes with their

owners. We want to do as much as possible to keep [these dogs] out of our adoption centers,” says Alicia Guidi, Pets at Home program manager.

Sponsored by the ASPCA, which covers all program costs, including Guidi’s salary, the 14-month initiative is currently focused on dogs weighing 35 pounds or more, as well as pit bull-type breeds of any size or weight. Guidi says that the ASPCA conducted a study of dogs surrendered for housing issues, and found that large-breed dogs were at the highest risk.

Initially, the program planned to target the area of the city where most surrendered dogs were coming from—Southeast D.C., where analysis revealed that much of the available housing is apartment buildings, many of which are classified as some form of Section 8 or public housing. The ASPCA is reviewing the city’s housing code with an eye toward devising solutions that would allow more pets in these types of residences.

Though Southeast was the initial target, demand for program services has come from all over, and Guidi has found herself assisting people from neighborhoods in every city sector. The WHS program provides a broad range of support for dog owners. Guidi recalls an elderly woman who had surrendered one of her two dogs to WHS because she wasn’t allowed to have multiple pets. “This poor thing was like a 12-year-old dog. ... Everybody felt terrible about it.” Shelter staff decided to hold off on evaluating the dog for placement, and instead focused on helping the woman get her friend back.

It turned out that the woman had cancer, and when her doctor was informed about the situation, he expressed concern that having to part with her pet would cause her severe trauma. Further, he stated that her dogs were the only thing that got the woman out of the house, and that exercise was critical to her well-being. Because her pets qualified as emotional support animals, under the federal Fair Housing Act they could be reunited. WHS returned both the dog and the surrender fees, and paid the woman’s new pet security deposit for her.

Guidi says pet owners tend to wait until the last second to reach out for help because they don’t want to face the prospect of giving up their beloved animals. “I mean, literally, I got a call from somebody this morning who is moving today and doesn’t have anywhere for her dogs to go, and that’s often how it goes.” The most used service WHS provides is temporary boarding for animals whose owners are looking for better housing options.

Many of the calls Guidi receives are from people in a panic that they have to move because their landlord found out about their dogs. In such situations, the program pays to board the dog at a local kennel until the owner can find suitable arrangements. Typically, those with a plan



in place have shorter stays. For those without a plan, stays were running 30 days or more, which forced the shelter to put a one-month cap on boarding (though Guidi tries to be flexible, depending on the circumstances).

Guidi notes that many of the dogs served by the Pets at Home program come to the shelter unaltered, and WHS uses this interaction as an opportunity to educate owners. The program offers to spay or neuter the pets and, if the owners refuse, provides them with vouchers in case they change their minds.

In an effort to help people with longer-term housing issues, the program created Foster a DC Pet, a website

### Key Points for Helping with Pet-Related Housing Problems

- **Be proactive.** The earlier your shelter or rescue can get involved, the greater the chance you can prevent animal surrender.
- **Awareness is key.** Many who come to shelters to surrender don’t know that there might be alternative solutions. Publicizing services is essential.
- **Educate.** Share what you know about federal, state, and local housing laws not only with pet owners, but also with other animal welfare advocates and supporters.
- **Cultivate partnerships.** Work with other shelters, human services agencies, housing assistance programs, and any place pet owners might turn for help.
- **Develop a local legal network.** Many attorneys and firms want to do pro bono animal work, and some bar associations have animal interest groups.



modeled after the Foster a Sandy Pet site that was so successful helping victims of Superstorm Sandy find temporary housing for their companion animals. The program has been trying to drive membership through publicity including blog posts, but the site (*fosteradcpet.com*) has yet to take off, with foster families slow to register. As many charities have discovered, public support often comes in waves, reaching high tide in the midst of disaster and receding once the storm has passed.

### Answering the Call

Across the country, Maia Finholm is dealing with her share of surrenders. “I average about 200 surrender help desk calls per month, [which is] about 38 percent of all help desk calls,” says the animal help desk manager for the Nevada Humane Society (NHS). “We get a lot of calls from people who have bully-breed dogs and they’re moving ... because of housing restrictions.”

In such cases, NHS attempts to educate both the owners and landlords about bully breeds, providing

accurate information on temperament and explaining how pit bull-type dogs are often misunderstood. They also try to help owners find homeowner’s or renter’s insurance that covers these types of dogs. “Sometimes that can placate an owner of a rental property,” Finholm explains.

In the territory she serves, landlord-generated evictions are only one piece of the puzzle, Finholm says. The shelter also sees cases involving foreclosures, short sales, and domestic violence—situations in which temporary pet housing could provide critical help in keeping families and their pets together. NHS is looking at developing a temporary foster program to help give pet owners time to get back on their feet.

Early intervention is crucial. Although the exact success rate for walk-ins is unknown, it is far lower than cases where families contact the shelter in advance. Once people arrive at the shelter with a pet, the bond is often already broken—the family has said goodbye, and it can be tough to change their minds.

Finholm thinks changing the language the shelter uses about pet surrender is important. “Our voicemail now [has an option] ‘to surrender a pet...’ and it connects you to the help desk. I want to change that to, ‘Are you having trouble with your pet in your home?’... and at least put them in a different mindset when they’re talking with me,” she says. “Not like, ‘OK, I’m going to get rid of this dog,’ but, ‘Maybe there is something I can do.’” ■

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***More and more shelters and rescues maintain a list of pet-friendly housing in their areas. If you’re one of them, The HSUS wants to help get the word out by listing your shelter on our Pet-Friendly Rentals page, [humanesociety.org/rentwithpets](http://humanesociety.org/rentwithpets). Email [petfriendly@hsus.org](mailto:petfriendly@hsus.org) and we’ll add you to our list!***

### Resources

- Have questions about how to assist clients with housing issues or on how to implement a pet retention program? Contact Matt Wildman of The HSUS at [mwildman@humanesociety.org](mailto:mwildman@humanesociety.org).
- **Fair Housing Act**  
Go to [portal.hud.gov](http://portal.hud.gov) and search for “fair housing.”
- **Renting with Pets**  
[humanesociety.org/animals/resources/tips/renting\\_with\\_pets.html](http://humanesociety.org/animals/resources/tips/renting_with_pets.html)
- **Hawaiian Humane Society Pets In Housing Program**  
Includes resources on common pet problems and solutions, a checklist for landlords, and tips for tenants, along with sample forms, including a pet health report. [hawaiianhumane.org/Pets-In-Housing-program.html](http://hawaiianhumane.org/Pets-In-Housing-program.html)
- **Best Friends for Life**  
A publication of the Doris Day Animal League, it explains federal laws regarding the right to keep pets in various housing situations. [ddal.org/pubs/bestfriends/](http://ddal.org/pubs/bestfriends/)