

## ARE ANIMALS THE PROBLEM OR ARE PEOPLE?

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Most pet owners are really caring and responsible individuals. Unfortunately, there are always those owners of pets who will never be responsible pet owners regardless of where they live. Statistics show that there are more pets in the United States than there are people.

Unfortunately, living in an association that has specific rules regarding pets can cause serious problems for those irresponsible individuals. As a past pet owner, I know that pets become family. When they pass on, you grieve the same as you would any other family member. Residents who have never owned a pet won't get this concept. It can help you to see, however, why residents get seriously attached and very passionate when challenged about their "family member."

The board is required to be consistent in their handling of any resident pet complaints whether a tenant or an owner. It is therefore important to establish and follow standard procedures regarding complaints. Following the local jurisdiction's policies can be very useful when writing your own. These would be considered reasonable by most courts since the local City or County uses them to enforce animal control issues.

Communication with the owners is very important and having given them notice of what is required on their part to file a complaint goes a long way. Here is a sample Newsletter article that could be sent to all owners. Remember to check your governing documents first to ensure that there are not more restrictive or limitations placed on what the board can or cannot do.

*Residents who wish to lodge a complaint with the association against a pet owner in our community should call the managing agent or write to the board in care of the manager. You can access a complaint form on our website at [www.xxyxy.com](http://www.xxyxy.com) under forms if you wish as well. Please provide the following information with the complaint: your name, the date and time of the incident, positive identification of the offending animal, and a fair account of the problem behavior prompting your complaint.*

*The association will make every effort to withhold the names of residents lodging complaint. However, the association reserves the right to use a record of the complaint, including your name, if required as evidence in any hearing and enforcement proceedings.*

*Animal attacks against people must be reported to the local authorities immediately. Resident should notify authorities directly and alert the manager of the board of the incident as well. The association will follow up with animal-control authorities on all complaints of vicious or aggressive behavior from any animal.*

*The association will forward to animal-control authorities any complaints regarding animal attacks against other animals.*

*The association will notify the local health department and animal-control authorities of any complaints regarding behavior or incidents that may pose a hazard to the health and well-being of association residents.*

*The association will act on resident complaints by first contacting the owner of the offending animal and encouraging voluntary compliance with association pet rules and local animal ordinances. Additional action, if needed, may include fining the pet owner, revoking the owner's association privileges, and/or involving animal-control authorities.*

*The association will maintain a record of complaints and responses in the manager's office for 10 years or as required by current Nevada laws.*

Although owners are legally responsible for any damages or injuries caused by their pets, your association may also be held responsible if it knows an animal is dangerous and doesn't do anything about it. To minimize the liability to the association, it is important to address the issue of "dangerous" pets in the pet policies. Since Nevada has laws that don't allow you to determine the pet's danger to the owners by breed, it is important to address the actions of all pets. Most pet bites are caused by the smaller pets, not necessarily the ones that have been branded as dangerous by our society. My 4 year old son, years ago, was bitten by a little dog that couldn't have weighed more than 2 lbs. Luckily, no serious damage was don't to his body, but it marred him for life with his fear of dogs.

Simple wording is critical when wording your pet rules and/or resolutions. For example, is it reasonable to not allow pets on the common area? It would be more reasonable to ask the pet owner to pick up after his or her pet when on the common area vs. making him carry the pet across the common area to an area that is not owned by the association for them to relieve themselves.

Working with your lawyer to establish pet policies and rules is a very good ideas as seasoned attorneys who have worked in this industry for years will pull from all of those cases they have seen when helping you to proactively ward off problems.