LAWS NOTES

RIGHTS OF PET-OWNING TENANTS

Tenants in public and private housing frequently contact The HSUS for advice after they have been denied permission to have a pet in their residence or have suffered discrimination because of their pet ownership. Unfortunately, federal law protects relatively few pet owners. Generally, Section 236 of the U.S. Housing Act, which requires assisted housing for the elderly or handicapped, prohibits discrimination against their pet ownership. Generally, Section 236 of the U.S. Housing Act, which requires assisted housing for the elderly or handicapped, prohibits discrimination against their pet ownership.

The regulations set the maximum deposit that may be required of pet-owning tenants for most pets who live in rental housing for the elderly or handicapped and whose rents are subsidized or assisted, the maximum deposit is currently $300. Most tenants are permitted to pay the deposit in installments through an initial payment of no more than $50 and subsequent monthly payments of no more than $10. However, a few assisted projects are not required to allow installment payments of the deposit; in such cases, a tenant may be required to pay the full deposit at the time the pet is brought onto the premises. For all other pet owners, the deposit cannot exceed one month's rent at the time the pet is brought in.

Only tenants in federal or privately assisted rental housing built exclusively for the elderly or handicapped are protected under federal law. (A lease agreement should clearly state whether housing is federally assisted.) Anyone applying to live in public housing should ask about pet regulations before or at the time of applying. Anyone who lives in housing covered by federal law and is being pressured by a landlord to dispose of a pet—should contact his or her regional HUD office for assistance. Local legal aid offices can also provide advice.

The benefits, both emotional and physical, of pet companionship have been widely documented, particularly for the elderly or handicapped. Unfortunately, only a handful of states (including Arizona, California, Massachusetts, New Hampshire, and New Jersey) have enacted protection beyond that afforded by the federal law concerning pets in rental housing. If you live in one of these jurisdictions, you may be protected even if you do not live in housing that qualifies you for protection under federal law. Therefore, you may need to contact a local attorney to determine your rights under state law. Often, local humane societies can help in such matters.

COURT RULE ON ANIMAL SACRIFICE

In the last century, humane organizations fought to keep dogs from being used as ritual sacrifices. A landmark case, now before the Supreme Court of the United States, will decide whether the constitutional right of free exercise of religion protects the ritual killing of animals to be killed for religious or other ideological reasons would be a severe setback to the progress made by American law in protecting animals.

The brief filed with the Supreme Court was jointly written by the staff of the HSUS General Counsel's Office and the law firm of Morgan, Lewis & Bockius, several of whose attorneys, including HSUS board member Anita Schoenmaker Coupe, donated their time and skills to the court.

The Law Notes are written by The HSUS General Counsel Roger Kindler and Senior Counsel Marchundt Smart Madding.

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