

# Animal Restrictions on Renters

A bill to prohibit declawing and debarking as a condition of rental tenancy

SF 3076 (Dibble)/HF 3637 (Fischer)

## THE PROBLEM

Rental listings in Minnesota show properties with landlords and managers requiring that potential tenants will be considered only with declawed cats, and it has been reported that devocalizing dogs has also been a condition of rental tenancy. Declawing cats and devocalizing dogs can often have unintended consequences for property managers, physical complications for animals and emotional and financial consequences for pet owners.

## BACKGROUND

Declawing is an operation to remove or to prevent the normal function of an animal's claws or toes. Also known as debarking, devocalizing is an operation to remove an animal's vocal cords or prevent the normal function of an animal's vocal cords. While declawing generally applies to cats, devocalizing most commonly applies to dogs. Non-therapeutic surgeries such as devocalization and declawing of dogs and cats provide no medical benefit to the animals. Requiring declawing or debarking as a condition of tenancy is an extreme response to a problem that hasn't presented, as the cat or dog hasn't even stepped into the apartment.

The federal Housing and Urban Development Department (HUD) position is that cat declawing is not a requirement or condition of pet ownership in public housing and its policy on Pets in General Occupancy Developments, 24 CFR 960.707 (c), prohibits public housing authorities from requiring that pet owners remove their pet's vocal cords.

The practice of declawing has been prohibited in New York, fourteen US cities and in countries throughout the world, including Austria, Brazil, Croatia, Estonia, Finland, Germany, Hungary, Israel, Malta, Netherlands, Norway, Sweden, Switzerland and the United Kingdom. The practice of devocalizing is illegal in New Jersey and Massachusetts. California and Rhode Island have laws banning both declawing and devocalizing as a condition of rental tenancy.

Landlords are allowed to condition rental occupancy on pet ownership, and this bill does not change that.

As an alternative to declawing or devocalization, landlords may include language in contracts making tenants liable for pet-related damage, require that tenants supply their cats with scratch posts or require an additional refundable security deposit or "pet deposit".

## THE SOLUTION

This legislation is a needed protection given the permanence of declawing and devocalizing procedures and the often temporary nature of rental occupancy. Specifically the bill: — Makes it illegal for a landlord to advertise or require declawing or devocalization of an animal as a condition of tenancy; — Recognizes the permanence of declawing and devocalizing and that such procedures run counter to the temporary nature of occupancy in rental property; — Assesses a civil fine of \$1000 for each instance of declawing or devocalization as a result of a landlord-tenant agreement or for rental advertisements requiring declawing or devocalization as a condition of tenancy.

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