

The Record

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Debating creature comforts

Sunday, March 11, 2007

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Some people love their dogs or cats the way parents love their children.

Some people can't stand the noise and smells of animals.

And in an apartment or condo complex, these people often live right next door to each other.

It's clearly a hot issue. A quick check of The Record's library found these recent examples of pet troubles in close quarters:

- A 4-foot caiman (a relative of the crocodile) kept in a New Milford apartment.
- A lonely 83-year-old woman who got a Chihuahua for companionship, but was forced to give it up because she lived in a no-pet condo.
- A 400-pound Bengal tiger found in a Harlem apartment. The downstairs neighbor complained that urine had seeped through the ceiling.
- Six monkeys and a tarantula confiscated from a New York apartment.

Usually, of course, the pet is not as exotic as some of these examples -- just a plain old dog or cat. But your furry best friend can be your next-door neighbor's worst nightmare.

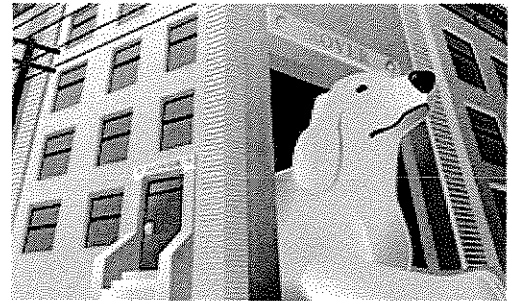
Many landlords or condo and co-op associations ban animals because of fears they'll scare the neighbors, scratch the walls or urinate on the floor -- or all three. Others ban dogs but not cats, or large dogs.

When pets are allowed, conflict is common.

"There are people who have small dogs that bark if a leaf blows by the window," said Doug Waxenbaum, property manager of North Village Apartments, a 412-unit garden complex in Little Ferry. If you live downstairs, you don't want to hear that day and night.

A barking dog will sometimes run afoul of the rules that many condo and co-op associations have regarding noise and causing a nuisance, said David Frizzell, a Glen Rock lawyer who represents many associations.

"If you're in a building that permits dogs, at some point you're going to have to put up with some barking," Frizzell said. But a dog that barks all day while its owner is at work, or all night while the neighbors are trying to sleep, won't be tolerated. Typically, Frizzell said, a condo or co-op association will fine



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the owner or threaten to remove the dog if the barking doesn't stop. Owners sometimes deal with this issue by getting obedience training for their pets. There are even special collars that give the dog a mild electric shock if it barks.

Another problem: No one wants to step in the mess left by pet owners who are careless about cleaning up after their dogs. When North Village tenants let their dogs use the grounds as a toilet, the complex fines them \$25 for the first offense, \$50 for each subsequent offense, Waxenbaum said. Municipal pooper-scooper laws can also apply in these cases.

Worst of all, of course, are the dogs who attack people or other animals.

"A dog biting -- people don't want to put up with that," Frizzell said. In those cases, condo associations will often try to evict the dog, which can lead to a drawn-out fight or even a court battle.

Even when a building bans pets, service animals can't be banned, under the Americans With Disabilities Act, the Fair Housing Act and the New Jersey Law Against Discrimination. We're not just talking about guide dogs for the blind, but also about so-called emotional-support animals. In these cases, a medical professional must attest to the resident's disability and need for an emotional support animal.

The Humane Society of the United States has published guidelines for living with pets in apartments -- in large measure because one of the main reasons pet owners drop their animals at shelters is that landlords or condos won't permit them.

The Humane Society says that half of renters have pets, so when landlords ban animals, they're losing out on a large pool of potential tenants.

But the Humane Society doesn't believe landlords and associations should be pushovers when it comes to animals. Instead, the rules should be made clear, said Nancy Peterson, an issues specialist with the Humane Society.

For example, only traditional domestic pets, not wild animals, should be allowed. And the pets should be neutered, for several reasons, Peterson said. For one, it makes them calmer. And it's particularly important for male cats, which, if not neutered, will sometimes spray their living space with an especially pungent urine.

In addition, the pets should be licensed and kept under control at all times, and treated regularly by a veterinarian, the Humane Society recommends.

Many landlords charge an upfront pet deposit, usually returned if there is no damage; others add a pet rental fee to the basic rent to cover potential damage. North Village, for example, charges an extra \$25 a month for dogs.

Pet owners bear responsibility to make sure their animals don't damage the building or disturb the neighbors, Peterson said.

"People with pets need to realize they have to be the best of residents, because they're representing the whole pet-owning population," Peterson said. "And one sour experience can really turn a housing professional against people with pets."

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