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Tips for Going from Banning to Permitting Pets in Your Condo/HOA

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Tags: [Pets](#), [Rentals](#)

The owners in your building have declared that the [current rules](#) or [governing documents](#) must change, and [pets](#) are now approved. We set out to provide you tips for handling this transition. Here, we do a smidge of that, but more importantly, we report on the opposite. Our experts say the trend is going the other direction.

Pets Are Getting Pushed Out

The most common scenario today? Communities are tiring of the challenges pets bring and shutting down owners' ability to have them.

"This situation is somewhat rare," says [Michael Kim](#), of counsel at Schoenberg Finkel Beederman Bell Glazer in Chicago, who represents about 500 associations. "It's usually the other way, where communities are going from being pet friendly to not."

Ditto for Todd J. Billy, CCAL, an attorney at The Community Association Lawyers in St. Louis, who is licensed in Missouri and Illinois and has more than 1,000 active condo and HOA clients. "The trend here is a shift to no pets, particularly for smaller associations," he says.

That's also the case in the south, at least when it comes to tenants. "Here, that was a trend a few years back—going from not allowing pets to allowing pets—but that's not so now," reports Zulema Mendoza, LCAM, regional vice president at KW Property Management, who oversees about 20 condo and HOA communities in Southwest Florida and North Carolina. "What we're seeing is that the documents have been amended to where [tenants](#) weren't allowed pets and owners were. That's more in a condo setting, not so much in HOAs."

Why the shift? At least for Mendoza's clients, it's to address problems with pets. "Off the top of my head, I can tell you out of my portfolio of properties, we've seen about four condos go from allowing everyone to have pets to allowing

owners, not tenants, to have pets," she explains. "What prompted them to do that was the responsibility around it. They want to reduce the number of pets on the property because of the irresponsibility of some pet owners. It's to deal with owners not picking up after pets, noise, the failure to leash, and everything that comes with irresponsible pet owners."

Have You Done the Legwork?

If you're bucking the trend and shifting from banning to permitting pets, our experts say it's about [communication and setting expectations](#).

"With any change, especially one as significant as a change to your pet rules, it would be wise to create a huge communication campaign to let the owners know why the association is moving to a different pet situation," suggest Mendoza. "The decision should be well documented and justifiable."

"Consider having town halls to discuss the importance of this and address why owners might be against the move," she says. "If you bought into an HOA or condo that didn't allow pets, often you bought in there for a reason. People buy into a community in part because of the lifestyle."

Jeff Vollmer, a partner at Makower Abbate Guerra Wegner Vollmer PLLC, whose firm advises nearly 2,000 association clients throughout Michigan, agrees. "I think presenting the proposed amendment and rules and allowing some sort of commentary period or sounding board would be key," he says. "A number of folks are still anti-pet, and giving them a voice would be a start."

If your community has given the OK, then spread the word. "That communication campaign should address why you're going in this new direction," advises Mendoza. "Give the homeowners awareness of the change that's coming."

Tips for Pet-Friendly Rules

What rules should you adopt? You likely already have some of those in place.

"We've had a couple of communities decide to allow pets," states Vollmer. "But in those circumstances, they'd already gotten accustomed to the animals because some owners already had a [support animal](#). They've typically had one or two exceptions that have served as a rollout for allowing all pets."

The rules to adopt? They're pretty straightforward today after many shifts over the years, says Billy. "It's interesting," he recalls. "If you go back and look at how people have addressed pets nationally over time, it used to be that breed prohibitions were popular, size prohibitions were popular, and then prohibitions on the number and kind of animals were popular."

"For me, when I hear that boards are addressing size restrictions, my thought is that I've met some really mean small dogs," he jokes. "The only time I've thought regulating dog size made sense was in older buildings where they didn't

really soundproof the floors. But all the restrictions all boil down to having clear expectations on being a responsible pet owner.

"It's a community decision," says Billy. "And no matter which way you're going, it's about establishing clear expectations on how to make it work. It's about ensuring that owners are picking up pet waste, not having their dog bark all the time—it's easy to think of the challenges that could cause problems."

Vollmer is thinking along the same lines. "Ask yourself: What are some of the ways to manage pets in the community?" he suggests. "You might want to create specific areas where pets are allowed to relieve themselves. Do you need to start talking about fencing requirements? Are you going to set up sanitation stations with dog waste bags?"

Think about whether your [budget will be affected](#). "Are you going to charge an additional [assessment](#) to offset administrative costs that come with the program you've created?" asks Vollmer. "That's a common provision. Some [bylaws](#) say pet owners have to pay a fee to cover administrative costs, which are typically handling dog waste. What I've seen has been something along the lines of \$10 per month or \$150 per year."

Kim agrees but adds: "Usually, the trauma is the other way, when you're going from a pet-friendly building to a no-pet building," he says. "If you're going from no-pets to a pet-friendly community, the focus is on how you manage or address the inevitable issues that arise, such as sanitation issues and where pets can be taken to do their business, noise issues with nuisance barking—that kind of thing.

"If you're going the other way, you need to address the inevitable issues from that decision, too," says Kim. "I call it pet amortization, or where you gradually change your policy by allowing the existing pets to stay until they pass on or they become a [nuisance](#) and have to be removed. Then you say that in those cases, those pets can't be replaced."