



The Cat Fanciers' Association, Inc.

"World's Largest Registry of Pedigreed Cats"

Pet Number Limit Laws

Who is Impacted and Why These Laws are Detrimental

CFA opposes action by some communities to limit, by laws creating numerical "quotas", the number of animals allowed per household, either through their animal code or through zoning code.

Generally these laws were enacted to address problems usually associated with dogs, though they often include cats. They restrict the right to keep animals at a particular location within a jurisdiction, based on species and sometimes other criteria such as age, size, gender or purpose such as breeding, training or boarding. These quotas may be contained in basic animal laws or in land use or other provisions for permits and licensing, which may or may not set forth conditions for keeping numbers in excess of those allowed. Related factors, for example outbuildings at a residence or commercial character of the property itself, may be addressed in the law. Provisions vary widely from complete absence of any restriction to an absolute limit of one animal subject to additional restrictions such as species or size. (Additional *private* restrictions may be contained in rental agreements and in other types of private documents restricting property such as condominiums, subdivisions or homeowner associations.)

Who is impacted by limit laws? A broad cross-section of society - 57% of all U.S. households - ranging from well-known public figures and celebrities to dedicated hobbyists and ordinary people keep varying numbers and species of animals in their homes as an evolving and integral part of their lives. The many mutual benefits of relationships between animals and people of all ages - children, active adults and elders - are well documented. Limit laws diminish concepts promoting "family member" status for animals. There is a growing trend for multiple pet households in the US.

Why are limit laws enacted? The legal basis for limit laws is police power inherent in government authority to protect public safety and welfare. Concerns about the alleged negative effects from the presence of multiple animals relate to noise, sanitation and waste disposal, attraction of insects and other pests, danger to people either on the premises or neighborhood, welfare of the animals, neighborhood property values and fear or even hatred of animals. Courts may find specific limit laws defective, but the concept of limiting the right to keep animals has not been held illegal. Legal issues range from permitted uses of residential property to overall land use planning through zoning and special purpose regulation.

When do limit laws arise? They arise when more comprehensive animal control ordinances are merely copied from other sources, or in response to perceived problem households, or from mere bias against or ignorance of the societal benefits of keeping animals. Historical existence of large or commercial kennels amidst development and re-zoning may lead to broad codification of limits that would otherwise be unnecessary. Just one negative incident involving animals, whether or not due to the number or type of animals, can lead to imposition or reduction of quotas as a "catch-all" solution or reaction.

How are limit laws made? Limit laws are subject to the legislative process in the specific jurisdiction in either enactment or repeal. Animal control and humane, public health, police, land use (zoning and planning) and even social services agencies may influence the decisions of lawmakers in addition to the demands of citizens either for or against. Limits arising from changes in land uses may be subject to legal non-conforming use for excess animals who were kept legally under prior law. Otherwise "grandfathering" existing animals is usually subject to political whim and sometimes denied.

Why CFA opposes limit laws

- Specific numbers are arbitrary, inflexible and do not reflect varied circumstances, capabilities and motivations of owners. (For example, a person with one cat who runs loose and digs up the neighbor's garden may be a greater nuisance than a person with a dozen cats who are quiet, clean, and kept at home).
- Limits artificially restrict the number of homes for animals as well as personal choice and privacy. Quotas are therefore a deterrent to adoption, and stray or abandoned cats who would otherwise be taken into a home will likely be euthanized or ignored.
- Limit laws are typically enforced through informant complaints - from neighbors, others with grievances or even visitors rather than systematic investigation of animal owners.
- The methods and form of enforcement can be arbitrary depending on the specific applicable law and to some extent, the local political climate and status of the parties and animals.
- Limit laws are contrary to the interests of public health, as owners avoid having their pets vaccinated against rabies or other diseases in order to avoid discovery of noncompliance with existing limit laws.
- Respecting the heritage of the pedigreed cat breeds and the activities of cat clubs and shows is important to cat fanciers and to society in general. A serious breeding program usually requires the keeping of more cats than limit laws allow; however, these cats live completely within a home and are not a nuisance. These home breeders are the best source of healthy, socialized pet kittens to meet public demand and should be encouraged. Otherwise demand will be met by large-scale commercial breeding catteries, often meaning kittens shipped in from distant locations.
- Limit laws severely impact responsible people who rescue homeless animals from the streets and animal shelters and either personally adopt them as pets or find them permanent homes. These people and their rescue organizations serve the general public by reducing the numbers of adoptable pets who are euthanized.

Myths about limit laws

- *Limit laws prevent "overpopulation."* This is a controversial and pejorative term generally arising from an imbalance between animals in shelters and public demand for this source of animals. If anything, by limiting homes available for placement, quotas contribute to this imbalance rather than prevent it.
- *Limit laws prevent "hoarding."* Hoarding has been identified as one manifestation of a psychiatric disorder involving obsessive-compulsive behavior unlikely to be prevented by laws.
- *Limit laws prevent "nuisances."* Nuisances are a broad class of disturbances arising at a location that may interfere with the rights of one or more. Varying numbers of animals can be kept with no offense at all.
- *Limit laws prevent "cruelty."* Cruelty comprises broad and expanding categories of offenses committed against animals, but prevention by absence of animals is extreme and unwarranted.
- *Grandfather clauses will protect me.* There is no assurance that a jurisdiction will pass a "grandfather clause" to a new limit law. Even so, most people mistakenly believe that being "grandfathered" will allow them to keep the same number of animals. Instead, no new pets will be allowed to replace those who die or to replace any cats who are rehomed.

Revision - 10/05
CFA Legislative Group

To correspond with the CFA Legislative Committee, please email Legislation@CFA.org