

Date: 11/18/15
Submitted in PRW Committee
Council File No: 15-0843
Item No.: 10
November 17, 2015
Deputy: Adam R. Lid

PHYLLIS M. DAUGHERTY

420 N. Bonnie Brae Street
Los Angeles, CA 90026-4925
(213) 413-ADOPT or (213) 413-SPAY
animalissu@aol.com

Check file

Councilman Paul Koretz, Chair
All Committee Members
Personnel and Animal Welfare

Council President Herb Wesson
All Council Members
Los Angeles City Council

Mayor Eric Garcetti
City of Los Angeles
City Hall

Honorable Committee, Council Members and Mayor Garcetti:

15-0843 OPPOSITION TO REGULATING/FORCING LANDOWNERS TO ACCEPT PETS

As a residential landlord in the City of Los Angeles, I oppose any effort to **regulate/force** private-property owners who provide rental housing to accept pets in their tenant-occupied units. This would be a discriminatory act, because other businesses are not required to even allow animals on their premises, other than service animals (dogs or miniature horses.) In fact, pets are not even allowed in public buildings; such as City Hall, except to perform law-enforcement duties or provide assistance to the disabled.

Therefore, landlords/rental units would be uniquely targeted and potentially financially harmed or put out of business by an act which the Council cannot justify as insuring its stated objective; that "shelter animals will be saved." There is no nexus between the two. And, it is not the responsibility or duty of apartment owners to empty city animal shelters.

Owners of income-producing property already contribute their share to the Department of Animal Services' \$44-million dollar annual budget (2015-16), one of the duties of which is to compel compliance with the citywide spay/neuter ordinance to reduce pet overpopulation at its source, and to enforce laws against pet abuse or neglect—the two main reasons for shelter overcrowding. Additionally, rental owners are helping repay the Prop. F bonds for new animal shelters which promised to solve the problems of stray and homeless animals.

Many landlords in Los Angeles accept pets and have the safeguards on their properties to make pets and tenants safe and comfortable. In fact, the *L.A. Times* reported on August 12, 2014, that, "More than 70% of apartment renters reported owning pets..., according to a survey by Apartments.com." That means landlords are already providing homes for this 70% without being compelled to do so. There is no data to indicate the number of people who want pets will increase just because more apartments are available. In fact, there also has been no survey provided of how many vacancies exist in the many buildings in the city of Los Angeles which currently allow pets.

According to a 2012 survey by the American Humane Association the source of pet dogs was: Family/friends (38%), Shelter/Rescue Organization (22%), and Breeder (16%). Statistics for cats were similar. There is no data which proves or indicates that the number of adoptions from shelters will rise from imposing an unfair and unnecessary mandate on apartment owners—many of which are mom-and-pop ventures already struggling to meet the many stringent requirements of federal, state and local governments.

There is also the concern that more city regulations imposed on owners of rent-controlled properties, which were built before 1976, will drive them out of business or to sell their property to investors, creating even fewer affordable rentals. Many of these units are already constrained by a total absence of, or limited, parking; no individual yards, patios or fencing; and are located in high-crime areas.

They often house low-income families with young children who leave doors and gates open and/or elderly tenants who are ill or unable to capture a pet which escapes. Usually in older buildings there is inadequate insulation to curtail barking and other noises generated by pets. In these cases, they can create hazards to both humans and the animals, themselves, and disturb the quiet enjoyment of existing tenants. This is the reality of L.A. and why the discretion of choosing to rent to pets MUST be left to the landlord.

November 17, 2015

The Department of Housing advises that it can only become involved in cases of danger or nuisance—both of which are highly subjective terms. If an injury or fatality occurs, the landlord will be left to defend himself/herself in court and potentially lose the property and/or all insurance coverage. The landlord cannot escape liability, even though forced to accept animals by the city.

In some instances existing tenants have health issues which preclude living in a building or unit adjacent to pets or where they will come in frequent contact with animals. In these cases where health and safety could be endangered by forcing the landlord to allow pets in the building, he/she will have liability and/or suffer potential loss of tenants. In fact, if regulations force pets in every building in the city, the potential consequence is that many tenants who must, or wish to, live in a pet-free environment will find themselves without access to suitable housing in the City.

Lest we forget, the ability to wash down common areas with walls and spaces where dogs will urinate and defecate repeatedly is no longer possible without violating the city's water-conservation rules. This will invite a sanitation disaster and the spread of bacterial and viral disease which is communicable to both humans and other pets.

Government has already imposed more than enough regulations on rental-property owners in Los Angeles. The Council needs to consider that costs of additional laws will merely cause more local owners to sell their properties to developers (whose inquiries fill mailboxes) and further decrease the number of units available to low-income residents.

No matter how much a landlord personally loves animals, renting to pet owners—especially in properties limited by the constraints of rent control—must be based upon a realistic assessment of benefits vs. liability. The landlord will be left to defend himself/herself in court and potentially lose insurance coverage for the entire property, if a serious injury or fatality occurs. The landlord cannot escape liability, even though forced to accept animals by the city.

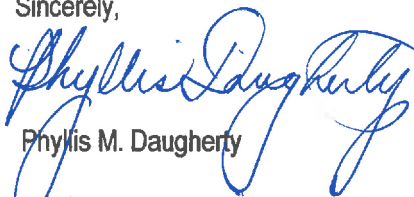
Insurance on older rental properties (those under rent control) is not easy to obtain and must often be "anchored" to another property. Many insurance companies exclude certain breeds of dogs, which would leave some owners without insurance.

The proponents of the intended regulations contend that ALL rescued and shelter animals make wonderful pets. This is NOT TRUE. Many animals are relinquished to shelters because of serious behavioral issues. Because CA law requires them to be released to rescues, and because the City of Los Angeles is buying into the myth of "No Kill," unsafe animals are being released to the public daily. "No Kill" is not a humane program. It is a "slogan" used to increase donations and political favors. It often involves the public not being told the truth about the history of an animal (of any species.)

Attached are five (5) current news articles that demonstrate the "other" side of what can happen to humans and "rescued" animals.

I urge you to **OPPOSE** any regulation/program to force landlords to accept pets in rentals. Instead, consider incentive programs which could lower costs to rental-property owners who want to willingly participate.

Sincerely,



Phyllis M. Daugherty

Attach.

cc: Miguel Santana, CAO
Michael Feuer, City Attorney



10NEWS

Team 10: San Diego man suing over severe bite by rescue dog

Lawsuit: Rescue group, county failed to do its job

[Melissa Mecija](#)

10:33 PM, Nov 2, 2015

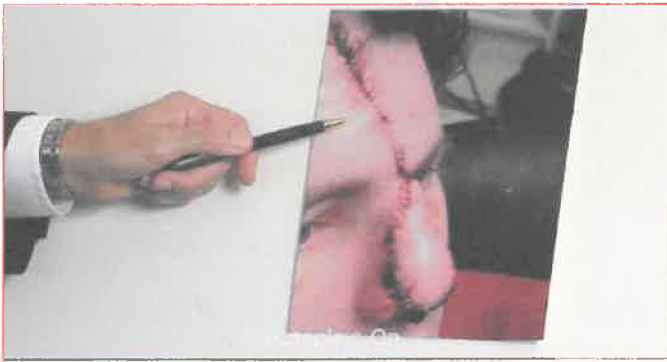
11:31 PM, Nov 2, 2015

KGTV

SAN DIEGO - It's a dog bite so severe, it tore a man's nose right off. And the family said it could have been prevented. "I was horrified to have this happen to my son," said Mark, who did not want to publish his last name.

"It's a very hard thing to watch as a parent," added Mark's wife, Maggie.

They are speaking on behalf of their 21-year-old son. Their son is suing the organization, Labrador and Friends, and the County of San Diego.



The family does not want the public to get the wrong picture. They love dogs. "They've been a good part of our family over the years," Mark said. "I actually grew up with several labs, in addition to the three that we've had," Maggie said. That is why they wanted to bring another one into their family.

On December 20, 2014, they went to an adoption event in Scripps Ranch hosted by the group Labrador and Friends. "They were very diligent about giving us information, dog's veterinary records, his chip, [and] various other life history," Mark said.

But Mark and Maggie say the rescue group failed to tell them one critical thing—the dog attacked a woman just two weeks before. They say the organization knew about it. According to their son's lawsuit, the dog "attacked a woman and inflicted a severe bite, which almost severed one of her fingers" on December 8, 2014. The woman was taken to the hospital.

The lawsuit states nobody from Labrador and Friends informed the family about the prior dog attack.

Fast forward to January 24, 2015.

Mark was watching television with his son and got up to leave the room. Then, he “heard the most horrible sound.” The dog had bitten their son.

At that point, Mark did not know how severe the injury was. He grabbed a towel for his son and they brought him to the hospital.

“In my wildest dreams, the whole drive down there I couldn’t imagine it was that bad. I didn’t expect for it to be as shocking as it was,” Maggie said.

“This is a failure on many levels. This is a case where they protected dogs, but not people,” said their son’s attorney, Fred Dudek.

The lawsuit filed against the rescue group and the County of San Diego alleges both hid information. It says the County Department of Animal services violated its clear policies on dog bites.

“This all could have been avoided by a simple phone call. If any of these defendants had contacted the family and informed them that just a few weeks before, this dog had severely injured someone else, they would have adopted a different dog and we would never be here,” Dudek said.

“Had he been a child, it could have been so much worse,” Maggie said. Their son still has another surgery to go, as well as laser procedures.

“I think this story needs to be told so people are not blindly adopting a dog from an organization that might be a potential risk in their home,” Maggie said.

Mark told Team 10 other families need to be careful. “I want to tell other families it’s okay to adopt pets. We’re not anti-dog by any means, but you do have to do your homework,” Mark said.

Mark and Maggie said anyone looking to adopt should ask questions, including whether that animal has attacked anyone in the past. Dudek suggests getting that in writing.

A county spokesperson told me they don’t comment on pending litigation.

Calls and emails to the rescue organization were not returned.

In California, there are strict liability laws when it comes to dog bites, meaning the owner is liable. But Mark and Maggie’s son is also suing for fraud, saying they would have never adopted the dog had anyone told them what happened.

Crystal Lake man, 18, squeezed kitten to death: authorities



Axel Salemi, 18, is charged with felony animal cruelty after authorities said he intentionally killed his family's kitten.

Amanda Marrasso Chicago Tribune

Teen held in McHenry County on charges he killed kitten.

A Crystal Lake man is facing felony animal cruelty charges after authorities said he "intentionally" killed a kitten.

Axel Salemi, 18, is charged with aggravated animal cruelty and criminal damage to a domesticated animal, both felonies, court records show.

Authorities allege Salemi killed the 7-week-old cat with his bare hands, squeezing it to death, court documents show. Police said the alleged crime occurred at Salemi's home, which they said serves as a rescue shelter for kittens.

Salemi made an initial court appearance on Saturday, when his bond was set at \$20,000.

In March, Salemi was charged with domestic battery and consumption of alcoholic liquor by a minor, records show. He later pleaded guilty to a lesser charge of disorderly conduct, and the alcohol-related charge was dropped, according to court documents. He was placed on court supervision, which was to have ended next June.

Those charges stemmed from an allegation that Salemi struck a female with a closed fist in the nose and mouth, drawing blood, and "grabbed her neck," according to the complaint.

Amanda Marrasso is a freelance reporter.

September 9, 2015 1:19 pm

Updated: September 9, 2015 1:23 pm

Rescue gone wrong: Family saves pit bull from euthanization, dog attacks daughter and is put down same day

By [Jenny Sung](#) Video Producer Global News

- A A +

Listen

WATCH ABOVE: The Neira family wanted to rescue Alex from euthanization, but once the dog was brought home, things took a turn for the worse. Jenny Sung explains.

It was an act of kindness turned on its head.

A Long Island family rescued a [pit bull mix named Alex](#) 22 minutes before he was scheduled to be euthanized on Sunday.

Stephen Neira, 40, brought Alex home to his wife and three children who were excited to foster the dog after helping save a lost dog in their neighbourhood a few days before.

"He seemed really excited to be in this big beautiful backyard," Neira told Global News. He had put Alex on a leash to walk around their yard on recommendation from the rescue agency. Alex tugged a bit, but responded to commands to stop.

He then let the dog off its leash to let it run around.

Neira's three children, watching from behind a sliding glass door, asked him to let the dog in and when he did, it suddenly lunged at his 16-year-old daughter Briana, wounding her in the face, neck and arm.

"With no hesitation he just lunged at her. With no warning. From that point on it felt like life or death. It was incredibly hard," said Neira.

Neira said he dragged Alex off his daughter and into the backyard by putting the dog into a chokehold. Believing Alex was subdued, he let go, only to be faced with another attack.

Hearing the screams, next-door neighbour Bill Samulik ran over to help and opened up his gate to allow Neira to escape, fencing in Alex in the Neira's backyard.

READ MORE: [2 charged after Calgary boy suffers serious dog bite to his face](#)

Alex was eventually tranquilized with two darts by animal control and brought to the [Brookhaven Animal Shelter](#).

According to the shelter, they have a 10-day waiting policy once an animal has bitten a human to test it for rabies before it is euthanized.

Alex was put down the same day because the shelter allegedly could not calm him down.

Briana, who underwent surgery to repair her lip, was released from the hospital Tuesday and is recovering, but the entire family is traumatized.

"We're going to seek family counselling. I'm a grown man. I've been in the military and it has hit me harder than anything. We're still in shock from it," said Neira, adding that his family will "try desperately to move on."

The dog's documentation had conflicting information about its background, saying it was both a stray and that it had been brought in wearing a muzzle by its previous owner.

A spokesperson from the Animal Care Centers of NYC said Alex was tested using the ASPCA SAFER method, which is widely used to "determine suitability into different placement environments."

"While in the shelter, Alex did not show any signs that would indicate a propensity for unprovoked aggression," the spokesperson told Global News in an email. "Alex did show some concern regarding barrier frustration and barking at other dogs."

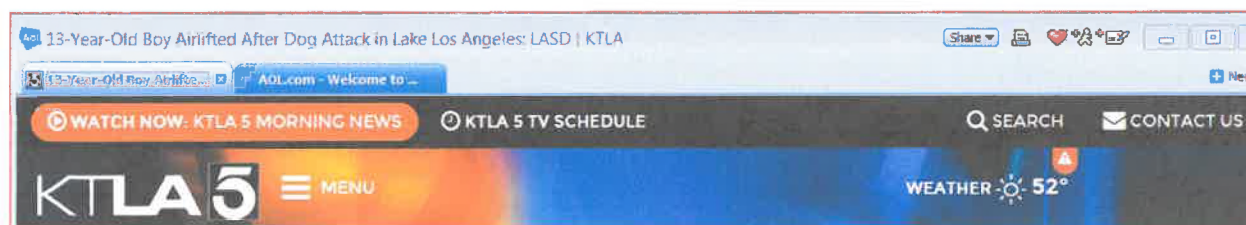
Because of this behaviour, Alex was transferred to New Hope Rescue Partner, an agency that brought in [Caroline All Breed Rescue Vermont](#) to help find a forever home for him.

Neira said he isn't clear on what processes Alex went through before they brought him home, and will seek legal help before taking action.

"I have every intention of tracking this situation down and finding the rules of engagement of adopting and fostering an animal," said Stephen, calling the whole process "haphazard."

Neira is in disbelief that Alex was allowed to be taken into a home with children and is hoping to save another family any pain.

"I'm on a mission to save somebody else the anguish. How could an animal like this be put so easily into a home?"



13-Year-Old Boy Airlifted After Dog Attack in Lake Los Angeles: LASD

POSTED 5:37 PM, NOVEMBER 11, 2015, BY [MELISSA PAMER](#) UPDATED AT 07:32PM, NOVEMBER 11, 2015

• [318](#)

A 13-year-old boy was airlifted to a hospital after his relatives' dog viciously attacked him in the family's Lake Los Angeles backyard, a sheriff's lieutenant said Wednesday.

Los Angeles County firefighters were called to the home near 166th Street East and Coolwater Avenue about 3:30 p.m., according to a Fire Department dispatcher.

The young victim was in the backyard of his aunt's and uncle's home playing with the dog when the animal turned "vicious," Lt. Joseph Fender of the sheriff's Lancaster Station said.

[Dog Attacks by Breed - Child Victims | PetBreeds](#)

The dog attacked the boy, bit his arm and took a chunk out of the limb, Fender said. The boy's uncle and cousin were in the backyard with him when the attack occurred.

The boy was airlifted to Children's Hospital Los Angeles, according to the lieutenant, who did know the boy's condition.

The dog was taken into custody at the owner's request, Fender said.

The sheriff's Special Enforcement Bureau tweeted a photo of the boy being airlifted, saying a "pit bull attack" had occurred.

Fender did not describe the type of dog involved.



Man attacked, killed by newly adopted dog

Jordan Hall
jhall@wbbjtv.com

Story Created: Nov 13, 2015 at 6:52 PM CST

Story Updated: Nov 13, 2015 at 7:35 PM CST

MADISON COUNTY, Tenn. -- A Madison County man is dead after his newly adopted dog attacked him Thursday afternoon.

Charlie Butler owns the antique mall beside the house on Highway 70, and said a woman came over screaming for help. He said he never expected to find Anthony Riggs dead in the home with his newly adopted companion as the suspected killer.

"We had become real good friends, and he happened to come in yesterday morning and had gotten a dog," Butler said. "It just all went from there. He showed me the dog yesterday morning, and he went home and she got home in the evening and found what had happened."

The Madison County Sheriff's Office said a 5-year-old Rottweiler attacked and killed the 67-year-old Thursday afternoon.

Just hours earlier, Riggs had come back from Jackson-Madison County Rabies Control with a brand new friend he thought would be a great companion for him.

"When I got over there at the time, all were upset," Butler said. "I didn't know what had happened, but when I got over there the dog was trying to attack her, and it was just a job to try and get him out of the house. But the sheriff showed up and took care of the rest of it."

Deputies put down the dog, fearing he would attack the people who had gathered outside.

"It's just one of those tragic stories that we want to encourage people to adopt pets, but then you have a situation like this that occurs, and it just is mind-boggling. It's disheartening," Tom Mapes with the Madison County Sheriff's Office said.

"My heart and prayers and thoughts are with the family this morning, because that was really something to walk in on. It had to be very hard," Butler said.

The Madison County Health Department wouldn't comment on their pet adoption policy and whether or not they tell new owners if the pets have been aggressive in the past. They did say they were working with the sheriff's office on the investigation.

Investigators still haven't uncovered what caused the dog to attack.