Give Me Shelter:
The Foreclosure Crisis and its Effect on America’s Animals

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By 
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Introduction 

Riley’s house went into foreclosure. ¹ Max also lost his home. ² Priscilla and Presley suddenly found themselves living in a shelter. ³ These stories sound familiar, as people across the country are faced with payments they cannot afford. But Riley, Max, Priscilla, and Presley were never responsible for a mortgage. They are pets. America’s animals have become the innocent victims of the modern mortgage crisis. 

Home ownership is an American ideal. ⁴ Owning one’s home reaps tangible benefits, such as tax breaks and freedom from a landlord’s rules. ⁵ Home ownership also increases one’s social status and benefits society through improved property values. ⁶ But today’s housing market has turned the American dream upside down. From 2007 to 2009, banks foreclosed on between five to six million homes. ⁷ Many homeowners owe more on their homes than they are worth, which prevents them from refinancing. ⁸ Many of these unfortunate homeowners must leave their homes behind and give up their animals as well; people dealing with foreclosure often turn to rental housing, relatives, or homeless shelters, all of which may provide impediments or preclusions. ⁹ 

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² Profile: Populations in Animal Shelters Exploding as More People Turn in Pets they Can’t Afford (NBC Nightly News television broadcast Mar. 21, 2009).
⁵ Id. at 589-90.
⁶ Id. at 591-94.
This article focuses on the effect of the current foreclosure crisis on animals in American society. Part II deals with the effect of the mortgage crisis on family pets and large animals, including relinquishment, abandonment, and euthanasia. Part III considers legislation passed and pending in the wake of the foreclosure crisis, and Part IV outlines help available for American families and their animals.

Foreclosing on Fido: America’s Animals in the Mortgage Crisis

For several years, pet owners have cited moving and housing limitations as significant reasons for relinquishing cats and dogs to animal shelters. A 1999 National Council on Pet Population study of 12 animal shelters throughout the United States shows that moving is the most common reason for relinquishing dogs and the third most common reason for relinquishing cats. However, since 2007 the foreclosure crisis seems to have exacerbated this issue. Newspapers and news websites have been filled with first-hand accounts of families forced to move out of their homes and to give up their pets. Even real estate websites and websites dealing with foreclosures include postings acknowledging this problem. CNN revealed the “Sad Puppy Indicator,” a guide that joins the “Starbucks Indicator” and the “McDonalds Indicator” as an illustration of a

struggling economy. The problem is so pervasive that Wikipedia includes an article about it, and a number of nonprofits now focus on helping pets and their owners affected by foreclosure.

Many foreclosed homeowners find themselves moving to a smaller home, rental, or relative’s house that cannot accommodate pets. These pet owners tend to deal with their animals in one of three ways. Some relinquish their pets to shelters, others abandon their pets in their foreclosed homes, and a few owners decide to euthanize their animals because they cannot afford to care for them.

A. Animal Relinquishment

There are no national statistics dealing with pet relinquishments at animal shelters. Consequently, it is also impossible to tell how many owner relinquishments resulted from foreclosures. Further, shelters may not be aware of the reasons owners relinquish their animals. Pet owners are not always honest when relinquishing an animal to a shelter, or only indicate that they are moving without suggesting that the economy is to blame.

Despite the lack of statistics, many animal shelters report that the number of intakes rose proportionally to the number of foreclosures. For example, the Sacramento Society for the Prevention of Cruelty to Animals in California saw an increase in the number of pets in the shelter in December 2007: 176 pets compared to 78 in 2006. In Kent County Michigan, the Kent County Animal Shelter saw a 9 percent increase in abandoned dogs and a 20 percent increase in...

20 Waters, supra, note 13.
abandoned cats in 2009.\textsuperscript{21} The Massachusetts Society for the Prevention of Cruelty to Animals in Boston took in 900 animals in 2008, an increase of about 300 animals since the previous year, and also reported an increase in the number of people citing financial difficulties as the reason for giving up their animals.\textsuperscript{22} The Cleveland Animal Protective League also reported an increase in abandoned pets due to foreclosures.\textsuperscript{23} Chicago-area animal shelters reported a spike in pet intakes during 2007,\textsuperscript{24} and Florida animal shelters also reported an increase in the number of relinquished pets in 2007 and 2008.\textsuperscript{25}

This increase in intakes has caused some animal shelters to overflow. Stephen L. Zawistowski, executive vice president for national programs and science adviser for the American Society for the Prevention of Cruelty to Animals, contends that animal rescues and shelters suffer most in the states where the real estate crisis hit the hardest, such as California, Florida, Nevada and Arizona.\textsuperscript{26} This assertion is certainly borne out in California. In Santa Cruz County, California, shelters were packed in 2008 and saw fewer adoptions.\textsuperscript{27} At San Joaquin Animal Shelter in Stockton, California, in 2008, there was a 50 percent chance a relinquished pet would be euthanized because of space needs.\textsuperscript{28} In Fresno, California, owners gave up 50 percent more dogs in 2009 than in 2008.\textsuperscript{29} And in Michigan, the state with the nation’s highest unemployment rate in 2009, metro Detroit shelters also overflowed with animals relinquished because their owners had lost their jobs and houses.\textsuperscript{30} Though some shelters have made progress in reducing euthanasia rates in recent years, that progress may be slowed or reversed due to the number of animals shelters now see.\textsuperscript{31}

\textsuperscript{25} Susan R. Miller, \textit{Pets Become Victims of Foreclosure}, PALM BEACH POST, Mar. 3, 2008, at 1B.
\textsuperscript{27} Pittman, \textit{supra} note 17.
\textsuperscript{28} Nieves, \textit{supra} note 9.
\textsuperscript{29} Benjamin, \textit{supra} note 26.
\textsuperscript{31} Benjamin, \textit{supra} note 26.
This all comes at a time when many shelters and animal control agencies are forced to cut their budgets as costs rise. Some animal shelters succumbed to the financial pressure themselves. After losing about a quarter of its endowment in a declining stock market, the Massachusetts Society for the Prevention of Cruelty to Animals closed three of its shelters: Springfield, Brockton, and Martha’s Vineyard. Ultimately, other animal rescue organizations moved in to revive operations. And farms that are large animal sanctuaries are also facing foreclosure issues, creating an uncertain future for the animals they once rescued. For instance, Haley Hills Farm in White Lake, Michigan, cared for 31 injured and abandoned horses through its Equine State Foundation horse sanctuary. The sanctuary took in horses from other farms that went through foreclosure, then faced foreclosure itself in 2009. Though demand for horse rescues was high—the sanctuary received requests to take in 260 horses between 2008 and 2009—the farm itself faced declining donations and rising costs. Similarly, in Rhode Island, Dan MacKenzie lost the animal sanctuary Bonniedale Farm to foreclosure in 2008. The 136 animals left behind (including dogs, cats, horses, pigs, goats, sheep, and chickens) did not receive food or water from Wells Fargo, the bank that owned the property. MacKenzie filed a lawsuit to force the bank to feed and water his animals. Ultimately the Rhode Island Society for the Prevention of Cruelty to Animals and veterinary students from the University of Rhode

32 Id.
36 Id.
37 Id.
40 Id.
Island are caring for the animals while the matter is pending in court.\textsuperscript{41} Wells Fargo donated $25,000 for their care.\textsuperscript{42}

Animal shelters across the country are reporting a rise in relinquishments at the same time owners face unemployment and foreclosure.\textsuperscript{43} Even if the mortgage crisis is not a direct cause, it is at least intensifying the problem.\textsuperscript{44}

\textbf{B. Animal Abandonment}

The first animal abandonment law in the United States appeared over 150 years ago, and abandoning pets or livestock remains illegal in most states.\textsuperscript{45} However, some homeowners do not take their pets to shelters and instead choose to abandon them in their foreclosed homes.\textsuperscript{46} This often has dire consequences for the animals, which were once beloved pets.

Even though the euthanasia rates at many shelters are high, most sheltered animals are cared for at the end of their lives with food, water, and a humane euthanization.\textsuperscript{47} In contrast, abandoned animals are left with little or no resources and spend the last days of their lives alone, some eating carpet and wallboard to stay alive.\textsuperscript{48} Some animals abandoned in colder climates freeze to death, others starve.\textsuperscript{49} Many abandoned pets are found in filthy rooms filled with feces and urine.\textsuperscript{50} Some animals end up on the streets only to die from disease or hunger.\textsuperscript{51} Property inspectors and real estate brokers are often the first people to

\begin{itemize}
\item \textsuperscript{41} Id.
\item \textsuperscript{42} Buford, supra note 38.
\item \textsuperscript{43} Carla Baranauckas, \textit{A Patchwork of Food Assistance for Pets}, N.Y. TIMES, Nov. 12, 2009, at F12.
\item \textsuperscript{45} The first animal abandonment law was passed in New York in 1866. David Favre & Vivien Tsang, \textit{The Development of Anti-Cruelty Laws During the 1800’s}, 1993 DET. C.L. REV. 1, 15 (1993); Lior J. Strahilevitz, \textit{The Right to Abandon}, 158 UNIV. PA. L. REV. 355, 398 (2010); see also Nieves, supra note 9.
\item \textsuperscript{46} Thompson, supra note 21; Peters, supra note 19. Just as there are no national statistics on pets relinquished to shelters, there are no national statistics for abandoned pets or the number of pets found in foreclosed or vacant houses. Waters, supra note 13; Martelle, supra note 19; see also Nieves, supra note 9. The website PetAbuse.com includes a database in which one can search for cases of abandoned animals, including those reportedly abandoned in foreclosed homes. PetAbuse.com, http://www.pet-abuse.com/ (last visited Aug. 31, 2010).
\item \textsuperscript{47} Nieves, supra note 9.
\item \textsuperscript{48} Nieves, supra note 9; Umberger, supra note 24.
\item \textsuperscript{49} Thompson, supra note 21.
\item \textsuperscript{50} Foreclosures Lead to Rise in Abandoned Pets in Cleveland, supra note 23.
\end{itemize}
enter an abandoned house, and therefore are often the first to encounter these animals either dead or alive.\textsuperscript{52}

There are several theories why homeowners leave their animals to fend for themselves. These pets could be part of the “revenge process,” where homeowners deliberately try to destroy their foreclosed home, making it difficult for the mortgage company to clean up the property.\textsuperscript{53} Others may be abandoned in foreclosed homes because their owners were too embarrassed by the foreclosure to take them to a shelter,\textsuperscript{54} or feel too guilty that their pet could face euthanasia in a shelter.\textsuperscript{55} Some owners believe that their abandoned pets will eventually be discovered and cared for,\textsuperscript{56} which they feel is a better option than a shelter where adoption rates are low and euthanasia rates are high.\textsuperscript{57}

Additionally, and more ironically, pet owners may choose to abandon their pets because they encounter a lack of compassion from the shelters themselves. Some shelter officials blame overcrowding and high shelter euthanasia rates on negligent and uncaring pet owners.\textsuperscript{58} Instead of being offered help, some pet owners turning to shelters are told that their pets will be euthanized or lectured on their irresponsibility.\textsuperscript{59} This does little to encourage pet owners to relinquish their pets.\textsuperscript{60} In the context of the foreclosure crisis, some shelter workers point out that the same people who do not plan ahead for re-homing their pets did not plan ahead when they signed the mortgage on their now-foreclosed house.\textsuperscript{61} This philosophy from some animal shelters, coupled with animals being turned away

\textsuperscript{52} Nieves, supra note 9.


\textsuperscript{54} Umberger, supra note 24; Martelle, supra note 19.


\textsuperscript{57} See generally DALLAS ANIMAL SERVICES AND ADOPTION CENTER OPERATIONS, ANIMAL CONTROL STRATEGIES 6 (2007), http://www.dallascityhall.com/committee_briefings/briefings0907/QOL_092407_AnimalServices.pdf (reporting that the shelter’s “euthanasia rate is high and adoption rate is low” in 2007); Nieves, supra note 9 (stating that at California’s San Joaquin Animal Shelter there is a “50-50 chance the animals might be put down”).


\textsuperscript{59} Id.

\textsuperscript{60} Id.

\textsuperscript{61} Id.; Nieves, supra note 9.
from overcrowded animal rescue organizations, may be discouraging pet owners from contacting shelters in the first place.

Further, some shelters impose another barrier to owner relinquishment: fees imposed on owners giving up their pets for adoption.\textsuperscript{62} The Central California Society for the Prevention of Cruelty to Animals, for example, recently imposed a $10 fee for each pet and $25 fee for each litter brought to the shelter by their owners.\textsuperscript{63} Drops in donations and funding from Fresno City and Fresno County created financial difficulties that prompted the fees.\textsuperscript{64} Some people bringing pets to the shelter may try to avoid the fees by claiming their pet is actually a stray, for which the shelter does not charge.\textsuperscript{65} But the fees may have a more chilling effect: people may simply abandon their pets instead of taking them to the shelter.\textsuperscript{66}

Horses are particularly vulnerable to abandonment.\textsuperscript{67} Unlike animals raised for slaughter or breeding that can be sold at auction and generate capital—such as pigs and cattle—horses have less utility to banks that foreclose on farms.\textsuperscript{68} And, though society considers horses to be a kind of livestock,\textsuperscript{69} some recognize that horses occupy a middle ground between cattle and domestic animals.\textsuperscript{70} Nowhere has this been clearer than in the debate over the federal ban

\begin{footnotes}
\item[63] Id.
\item[64] Id.
\item[65] Id.
\item[66] Id.
\item[67] See generally Katie Zezima, Surge in Abandoned Horses Renews Debate Over Slaughterhouses, N.Y. TIMES, Apr. 7, 2009, at A16.
\item[69] “[L]ivestock such as cows, horses, and pigs are of substantial economic value, while pets such as dogs and cats provide essential companionship for households and families.” Restatement (Third) of Torts: Liab. for Physical Harm § 23 cmt. b (Proposed Final Draft No. 1, 2005).
\item[70] Mary Battiiata, How Much Is a Pet’s Life Worth, SEATTLE TIMES, at A3 (Sept. 6, 2004), available at http://seattletimes.nwsource.com/html/nationworld/2002027448_petmeds06.html (noting that “horses have gone from being farm workers to people’s companions”); Sheila J. Bryant, Saving Flicka and Her Friends, 11 J. AGRIC. & FOOD INFORMATION 262, 264 (2010); At least one court contemplated that “a clear line cannot always be drawn between animals kept for economic reasons and those kept as pets. Many people who keep livestock become emotionally attached to individual animals. Conversely, dogs may be owned primarily or solely for their economic value as work dogs or breeding stock. And there are animals that fall somewhere in between, such as pleasure horses—livestock that are not kept for their economic value, but are, in effect, large pets.” Morgan v. Kroupa, 702 A.2d 630, 636 (Vt. 1997) (Gibson, J., dissenting); see Darian M. Ibrahim, The Anticruelty Statute: A Study in Animal Welfare, 1 J. ANIMAL L. & ETHICS 175, 186-87 (2006), available at http://www.law.arizona.edu/faculty/FacultyPubs/Documents/Ibrahim/ALS0606.pdf.
\end{footnotes}
that closed the last of the horse slaughterhouses in the United States in 2007.\footnote{71} Further, some state anti-cruelty statutes regard horses as livestock, and others protect them as pets.\footnote{72} Living in limbo between pet and livestock means that horses, as large expensive animals,\footnote{73} enjoy neither the utility of cattle nor the more affordable cost of smaller companion animals. This may be why horse rescue organizations around the country report an increase in horse abandonment.\footnote{74} According to a recent study from the University of California at Davis, 83.9 percent of horse rescue organizations reported an increase in requests to accept horses since January 2008.\footnote{75} Newspapers report horses wandering the Florida Everglades, Kentucky coal mines, and central Minnesota fields because their owners set them free to survive differentiating between horses and other livestock, the Equine Species Working Group pointed out that horses are the most long-lived of any livestock species, are generally more individually valuable, participate in internationally recognized competitions such as the Olympics, and are transported more often and for greater distances. EQUINE SPECIES WORKING GROUP, NAIS RECOMMENDATIONS TO USDA AUGUST 1, 2006, 2 (2006), http://www.equinespeciesworkinggroup.com/images/ESWG_Recommendations_-_August_1,_2006.doc (last visited Aug. 31, 2010).\footnote{71} See Mary Jacoby, Why Belgians Shoot Horses in Texas for Dining in Europe, WALL ST. J., Sept. 21, 2005, at A1, A8; K. E. Holcomb, C. L. Stull and P. H. Kass, Unwanted Horses: The Role of Non-Profit Equine Rescue and Sanctuary Organizations, J. ANIMAL SCI., 1, 15 (2010).\footnote{72} Mary W. Craig, Just Say Neigh: A Call for Federal Regulation of By-Product Disposal by the Equine Industry, 12 ANIMAL L. 193, 194 (2006). See Pamela D. Frasch, Stephan K. Otto, Kristen M. Olsen, & Paul A. Ernest, Animal Anti-Cruelty Statutes: An Overview, 5 ANIMAL L. 69 (1999) (providing an overview of anti-cruelty statutes as of 1999).\footnote{73} See Bryant, supra note 70, at 263 (noting that horses require 15 to 30 pounds of food and 5 to 16 liters of water per day).\footnote{74} See UNWANTED HORSE COALITION, AMERICAN HORSE COUNCIL, 2009 UNWANTED HORSES SURVEY: CREATING ADVOCATES FOR RESPONSIBLE OWNERSHIP 2 (2009), http://www.unwantedhorsecoalition.org/resources/UHC_Survey_07Jul09b.pdf., Sonya Colberg, A Nightmare Scenario for Abandoned Horses in Oklahoma, THE DAILY OKLAHOMAN, Apr. 18, 2009, available at http://newsok.com/a-nightmare-scenario-for-abandoned-horses-ing-a-state-by-state-comparison-of-animal-cruelty-laws-as-of-1999)n-oklahoma/article/3362583; Economic Downturn Sees Increase in Neglect, Abandonment of Horses, NEBRASKASTATEPAPER.COM, May 7, 2009, http://nebraska.statepaper.com/vnews/display.v/ART/2009/05/07/4a01eda81f553?in_archive=1; Nancy Hicks, Horse Rescue Operations Stretched to Limit, LINCOLN JOURNAL STAR (Lincoln, Neb.), July 21, 2008, http://journalstar.com/news/local/article_7f41acef-f4ed-57e9-b99e-abf92cd287d.html; John Anastasi, Horses Hurt by Economy, BUCKS COUNTY COURIER TIMES (Levittown, Pa.), Sept. 13, 2008, at 8; Kevin Giles, Reining in Abuse, Neglect, STAR TRIB. (Minneapolis, Minn.), Dec. 16, 2008, at 1B; Scott Waldman, Loan Crisis Leaving Pets Homeless: Owners Who Lose Houses to Foreclosure Giving Up Larger Animals, TIMES UNION (Albany, N.Y.), Jan. 14, 2008, at B1.\footnote{75} Holcomb et al., supra note 71, at 15. According to this study, the most common reason for owner relinquishment was financial hardship and the owner’s physical ability to care for the horse. Id., at 11.
on their own. Some horse owners erroneously believe that their tame horses will be adopted by wild herds.

The economy is certainly a large factor in the increase of horse abandonment and relinquishment. Many owners give up their horses due to the sluggish economy and increasing costs of hay. Another major reason seems to be the federal horse slaughterhouse ban. These slaughterhouses were once an option for horse owners with few alternatives and paid owners per horse. The ban has resulted in some unwanted horses being sold to slaughterhouses in other countries that use inhumane slaughtering methods, an outcome predicted in a 2006 study prepared for the Animal Welfare Council. The increase in horse abandonment has also prompted legislators in some states, such as Missouri, Montana, and South Dakota, to reconsider reviving the horse slaughter industry in the United States.

Further, horse rescue organizations face different challenges than dog and cat shelters, which may impact the current high number of unwanted horses. Horses are more expensive to keep than a cat or dog, and they live longer, an average of 30 years. This limits the number of animals for which each sanctuary can provide. These are also fewer suitable adopters for these large animals since not every household can afford an expensive animal for several decades. And there are fewer horse sanctuaries than companion animal rescues—a recent study estimated that in 2009 there were approximately 408 equine rescue

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77 Bryant, supra note 70, at 264.
78 UNWANTED HORSE COALITION, supra note 74; Economic Downturn Sees Increase in Neglect, Abandonment of Horses, supra note 74; Anastasi, supra note 74; Giles, supra note 74.
79 Holcomb et al., supra note 71, at 15; Beth Quimby, No More Room at the Stable, PORTLAND PRESS HERALD (Portland, Me.), May 8, 2009, at A1. Groups like the Humane Society of the United States and People for the Ethical Treatment of Animals disagree that the slaughterhouse ban has had an impact on horse abandonment in the United States. Bryant, supra note 70, at 265.
80 McKinney, supra note 76.
83 Katie Zezima, Surge in Abandoned Horses Renews Debate Over Slaughterhouses, N.Y. TIMES, Apr. 7, 2009, at A16. These were three of 27 states considering laws and resolutions to bring horse slaughter back to the United States as a response to the federal ban. See Chad Livengood, Legislative Vignettes, SPRINGFIELD NEWS-LEADER (Springfield, Mo.), May 16, 2010, at A3.
84 Quimby, supra note 79, at A1.
85 Id.; Bryant, supra note 70, at 263.
and sanctuary nonprofits in the United States, while the Humane Society of the United States estimates 3,500 private and government-sponsored shelters for cats and dogs. These issues create a difficult climate for horse owners and may shape their behavior when they find themselves with horses they can no longer provide care.

Whatever the reason, there are a great number of animals abandoned in foreclosed homes or turned loose to fend for themselves. Some of these pets have been saved and adopted, while others are not so lucky. Though not a new problem, the pet abandonment issue has certainly become worse with the rise in foreclosures across the country.

C. Economic Euthanasia

When a financial crisis hits and shelters are not an option, some people who would otherwise treat their animals for an injury or illness can no longer afford to do so and are choosing to euthanize their pets instead of incur the cost of veterinary care. This phenomenon is termed “economic euthanasia.” There are no national statistics, but reports by media outlets, humane organizations, and veterinarians show a rise in economic euthanasia since the recent foreclosure crisis. And when PurinaCare Pet Health Insurance compiled the biggest news stories of 2009 in relation to pets, the country’s hard financial times and economic euthanasia topped the list.

Though economic euthanasia rates seemed to decline between 1997 and 2003, it now appears to be on the rise. For example, Mark Kumpf, president

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87 Thompson, supra note 21; Peters, supra note 19; Waters, supra note 13.
88 Jennifer Harmon, Group Rescues Pets Left Behind in Foreclosed Homes, 175 AM. BANKER 7 (2010).
94 Tremayne, supra note 91; Lorie Huston, Pet Euthanasia, Unwanted Pets Increasing as Economic Downturn Affects Pet Owners, EXAMINER.COM, June 14, 2009,
of the National Animal Control Association and director of an animal shelter in Ohio, described a 20 percent rise in owner requests to euthanize their pets during 2009. Some veterinarians report that many of their clients do not provide preventative treatment or in-need care for their pets, which is likely to result in economic euthanasia. Other owners choose to take their pets home to die instead of incurring euthanasia and other veterinary costs.

Horses are also suffering from the consequences of economic euthanasia—some owners are even choosing to euthanize otherwise healthy animals. In Minnesota, a horse owner euthanized over 80 of her horses due to the rising cost of hay and her own failing health. The owner of the horses, mostly Shetland ponies, could no longer afford to spend $2,000 per month on feed and did not trust anyone else to take care of them properly.

Some pet owners even choose to euthanize their animals themselves. In Colorado, Paula Harding first poisoned then shot her sick 15-year-old terrier/poodle mix because she could not afford to take it to the veterinarian. The dog did not survive. Though officials arrested her for felony animal cruelty, the district attorney did not press charges because he could not prove that Harding tortured, mutilated, or knowingly and needlessly killed her dog. The district attorney reasoned that in rural areas it was common and lawful for owners to euthanize their animals through shooting them, and that the ill dog would have been euthanized in any case, so its killing was not “needless.”

These cases show that the economic crisis is affecting animals just as much as it is affecting humans. For animals, not only does the current economy mean the difference between having a home and being homeless, but it might also mean the difference between life and death. Fortunately for animals large and


95 Aleccia, supra note 89.
96 Tremayne, supra note 91.
97 Huston, supra note 94; Tremayne, supra note 91.
98 McKinney, supra note 76; Mortgage Meltdown: As More Minnesotans Lose their Homes to Foreclosure, Many are Finding They're Also Forced to Give Up their Pets and Livestock, STAR TRIBUNE (Minneapolis, Minn.), Jan. 30, 2008, at 1A, available at http://www.startribune.com/business/14873851.html.
99 McKinney, supra note 76.
101 Greeley Woman Shoots Sick Dog, supra note 100.
102 Young, supra note 100.
103 Id.
small, laws are now emerging that directly address animal welfare in the foreclosure crisis.

**Legislation Related to Animals and the Foreclosure Crisis**

In response to the foreclosure crisis, some legislators have acted to help animals in need. Recognizing that animal abandonment has become increasingly prevalent with the recent housing crisis, lawmakers in California, Oregon, and New York introduced bills that address animal abandonment in foreclosed properties.

**A. California**

In 2008, California Assembly Member Mark DeSaulnier, the California Animal Association (CAA), and the American Society for the Prevention of Cruelty to Animals (ASPCA) co-sponsored Assembly Bill 2949. This bill makes abandoning a live animal on vacated or foreclosed property an “involuntary deposit” and requires the property’s owners (including banks, real estate companies, and other corporations) to notify animal control immediately. Proponents of the bill argued that requiring property owners to notify animal control would ensure proper care for more abandoned animals and lead to a decrease in animal neglect and increase in adoptions.

Governor Arnold Schwarzenegger signed the bill into law on August 4, 2008. Before this legislation was passed in California, Animal Control officers had to wait 24 to 72 hours before they could take a dog or cat from property after posting a note on the home. According to the CAA, some banks went a step further and prohibited employees from feeding or caring for abandoned animals found on foreclosed property. The California law now makes individuals and corporations that own property responsible for animals abandoned on the property. This helps animal control to more efficiently deal with abandoned pets, and allows pets to receive care more quickly, potentially saving their lives.

B. Oregon

In Oregon, lawmakers introduced Senate Bill 304, legislation similar to the California bill.110 The Oregon Humane Society requested the introduction of this bill, which was backed by Senator Suzanne Bonamici.111 The bill required a mortgagor taking possession of real property to provide minimum care for abandoned pets or livestock and to arrange for law enforcement, animal control, or an animal shelter to take custody of the abandoned animal.112 Failure to do so would be a misdemeanor, and escalates to a felony if the animal is injured or dies because it is not treated.113 The bill also authorized an animal shelter taking custody of an abandoned animal to petition for legal ownership.114 Oregon’s Senate Consumer and Public Affairs Committee held a public hearing on the bill, but the bill died in committee.115

But Oregon’s legislature did pass a bill that included horses and other equine animals in its animal abandonment law.116 Since 2008, Oregon has seen an increase in horses abandoned by owners who could no longer care for them.117 Before the law went into effect, horses were defined as “livestock” and their owners could legally abandon them.118 Oregon Senate Bill 398 included equines (a horse, pony, donkey, mule, hinny, zebra, or any hybrid of these) in its animal abandonment law, making it a misdemeanor to abandon either a domestic animal or equine without providing for its minimum care.119

113 Id.
114 Id.
115 Oregon Humane Society, supra note 111.
118 Steves, supra note 117.
C. New York

According to New York’s current animal abandonment law, an owner or possessor of an animal is guilty of a misdemeanor if he or she “abandons such animal, or leaves it to die in a street, road or public place, or... allows such animal, if it become disabled, to lie in a public street, road or public place more than three hours after he receives notice that it is left disabled....”120 Assembly Bill 2164, introduced in 2009 by Assemblyman John McEneny, is the latest of several New York bills introduced since 1999 to more clearly define this idea of “animal abandonment.”121 These bills turn the statute’s focus from the abandoned animal lying in the street to the owner’s failure to transfer ownership and intention not to reclaim the animal.122 Like the statute it would replace, this bill makes animal abandonment a misdemeanor.123

Though the New York Legislature has yet to pass any of the bills clarifying the definition of animal abandonment, Assemblywoman Linda Rosenthal introduced a bill specifically dealing with animal abandonment in foreclosed properties.124 Assembly Bill 11033 requires anyone encountering an animal found in a property “vacated through lease termination, property foreclosure or abandonment” to notify animal control immediately.125 It also adds to the current statute’s definition of an “abandoned animal” to include animals “found in a property that has been vacated through lease termination, property foreclosure, or abandoned by the tenant or owner.”126 In May 2010 this bill was referred to the Committee on the Judiciary.127

Federal Government

The Federal government even considered a bill that would give tax breaks to pet owners. The “Humanity and Pets Partnered Through the Years (HAPPY) Act” would amend the federal tax code to allow a deduction for some pet care

120 N.Y. AGRICULTURE & MARKETS LAW § 355 (McKinney 2004).
123 Id.
125 Id.
126 Id.
Introduced by Representative Thaddeus McCotter, the HAPPY Act would allow pet owners to deduct up to $3,500 per year in “qualified pet expenses,” including pet food and medical expenses. This would give American pet owners the opportunity for more affordable food and veterinary care for their animals, possibly saving their lives. On the other hand, critics of the bill point out that it is most likely to benefit those who itemize their expenses and have higher incomes. And if financially strapped pet owners do not earn enough to pay taxes, those households would not benefit at all. The House referred the bill to its Committee on Ways and Means.

The proposed and passed legislation discussed above demonstrates that legislators are recognizing the animal welfare problem during the current foreclosure crisis. Though not every bill has been successful, some states are making progress in helping animals in need. As the next section shows, private nonprofit groups are also assisting pet owners who are finding it difficult or impossible to keep their animals.

Help Available

The rise in foreclosure rates and its effect on animals has spurred several individuals and organizations to take action. Several new nonprofits have emerged to help pet owners facing foreclosure. For example, ForeclosurePets.org is a free online service that helps homeowners find new or temporary homes for their pets. The Foreclosure Cats Project is a collaboration among several cat rescues that began after 63 cats were abandoned in a Cincinnati home and local artists began selling portraits of the rescues on eBay to pay for their care. No Paws Left Behind manages a website where financially strapped pet owners can find pet-friendly housing or a “no-kill” shelter. The Houston-based organization started a grant program in June 2008 to help animal shelters

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129 Id.
132 Id.
133 Derek Harper, Federal HAPPY Bill Would Help Families Care for Their Pets, PRESS ATLANTIC CITY, Nov. 27, 2009, at C6.
nationwide run pet food bank programs.\textsuperscript{137} And the Lost Our Home Pet Foundation, based in Arizona, is a “nonprofit group of real estate professionals who rescue pets left behind due to foreclosures or other financial hardship.”\textsuperscript{138} The group has rescued over 400 dogs and cats in 2009, all given up by owners with financial difficulties.\textsuperscript{139}

Pet food bank programs have also surfaced. In Michigan, the Humane Society of Huron Valley in Ann Arbor created the Bountiful Bowls Program to help supplement pet food costs.\textsuperscript{140} The program enrolls over 100 families in Washtenaw County, Plymouth and Canton, Michigan.\textsuperscript{141} Similarly, the Dearborn Animal Shelter created its Operation Feed Fido program to keep pets with their families and out of shelters.\textsuperscript{142} As of April 2010, this program partnered with a local PETCO store as part of the PETCO Foundation’s “We are Family, Too” Fund that helps provide needy pets and their families with pet food and supplies.\textsuperscript{143} Even pet food bank programs that have provided assistance for decades are seeing an increase in need.\textsuperscript{144} The Tree House Humane Society in Chicago, for example, has provided pet food bank services for over 30 years and saw demand double in 2009 from the previous year.\textsuperscript{145}

In addition, the Humane Society of the United States (HSUS) began its nationwide Foreclosure Pets Grant Program in March 2008 to help animal control agencies and shelters cope with the economic downturn.\textsuperscript{146} Grants ranged from $500 to $2,000 per organization and were intended to “help establish, expand, or

\begin{thebibliography}{99}
\bibitem{137} Taylor, \textit{supra} note 30.
\bibitem{141} Taylor, \textit{supra} note 30.
\bibitem{142} Dearborn Animal Shelter, Operation Feed Fido, http://www.dearborn-animals.com/Programs%20and%20Services/Feed%20Fido/Friends_For_the_Dearborn_Animal_S helter_-_Operation_Feed_Fido.htm (last visited Aug. 30, 2010); Taylor, \textit{supra} note 30.
\bibitem{143} Dearborn Animal Shelter, \textit{supra} note 142.
\bibitem{144} Baranauckas, \textit{supra} note 43.
\bibitem{145} Id.
\bibitem{146} Hirshey, \textit{supra} note 1; Humane Society of the United States, Financial Crisis: Assistance for Families and Pets, May 4, 2009, http://www.hsus.org/pets/pets_related_news_and_events/foreclosure_pets_grant_fund07162008.html [hereinafter HSUS Assistance]. While applauded by many, the U.S. Sportsmen’s Alliance objected to a pet photo contest fundraiser by Meijer grocery stores that would benefit the HSUS Foreclosure Pets Fund, complaining that the HSUS opposed hunting and contributions to the Fund would free up funding for the HSUS anti-hunting campaign. \textit{Hunters Hit Foreclosed Pets}, \textit{supra} note 11; Dave Golowenski, \textit{Sportsmen's Alliance, Humane Society at Odds}, \textit{COLUMBUS DISPATCH} (Ohio), at 13C. Meijer withdrew its support for the program. \textit{Id.}
\end{thebibliography}
publicize services or programs that assist families in caring for their pets during the current economic crisis." Unfortunately, the HSUS suspended the program in May 2009 because of financial constraints. However, HSUS is also collaborating with fair housing groups, such as the Regional Human Rights and Fair Housing Commission in California, to help pet owners find local shelters and pet friendly rentals.

Finally, in an effort to combat economic euthanasia, the American Animal Hospital Association (AAHA) Foundation created the Helping Pets Fund in 2005. This fund provides financial assistance for pets whose owners are facing financial hardship as well as emergency and non-elective treatment of abandoned pets. In April 2009, the Foundation temporarily suspended its grants because of a surge in requests, which tripled in 2008. Fortunately, AAHA reinstated the fund after a donation from Veterinary Pet Insurance (VPI).

As these examples show, many local and national groups are concentrating their efforts on assisting pet owners in financial need. Some rescue animals while others concentrate on running pet food banks, education, assisting pet owners with finding pet-friendly housing, or helping people re-home their pets. As the foreclosure crisis persists, these groups will continue to assist pets and their owners through a difficult economy and living conditions.

Conclusion

It is inevitable that our pets suffer when we suffer in lean economic times. The foreclosure crisis has created widespread animal shelter overload, an increase in animal abandonment cases, and an uptick in economic euthanasia. Farm

147 HSUS Assistance.
148 Id.
151 AAHA Foundation, supra note 150.
animals and livestock, especially horses, have not been immune to the problems created during this lean economy. Fortunately, lawmakers have begun to recognize these issues by creating legislation that assists animals affected by foreclosure, and nonprofit groups are helping with pet food, supplies, and housing resources. Until the mortgage crisis resolves, however, America’s animals will continue to suffer the consequences.