

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

Common Household Pet Ownership in Low-Income Public Housing Senior and/or Disabled-Only Properties

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of its adoption of the following amendments to Chapter 61 (Public Housing: Admission and Recertification) and of the repeal of Section 6211 (Pet Ownership in Public Housing) of Chapter 62 (Low Rent Housing: Rent and Lease) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to provide families in the Low-Income Public Housing program living at elderly and/or disabled-only properties the opportunity to own common household pets. Under the Urban-Rural Recovery Act of 1983, owners of federally assisted rental housing for the elderly or handicapped must permit tenants to own common household pets that are not otherwise registered as Service or Assistance Animals.

On December 23, 2016, these proposed amendments were published in the *D.C. Register* at 63 DCR 15786. During the thirty (30)-day public comment period, DCHA received 213 comments. Prior to drafting these regulations, DCHA also met with residents at each LIPH elderly and/or disabled-only property to discuss concerns and recommendations regarding pet ownership. The proposed amendments reflect the desires expressed by the LIPH residents living at senior and/or disabled-only properties as well as the comments received during the 30-day public comment period.

This rulemaking was adopted as final at the Board of Commissioners regular meeting on February 8, 2017. The final rules will become effective upon publication of this notice in the *D.C. Register*.

Chapter 62, LOW RENT HOUSING: RENT AND LEASE, of Title 14 DCMR, HOUSING, is amended as follows:

Section 6211, PET OWNERSHIP IN PUBLIC HOUSING, is repealed in its entirety.

Chapter 61, PUBLIC HOUSING: ADMISSION AND RECERTIFICATION, is amended as follows:

6126 PET OWNERSHIP IN PUBLIC HOUSING

6126.1 Pets Generally Prohibited. Except as provided in § 6126.2 and § 6126.3, pets are generally prohibited at DCHA properties. This policy does not apply to Service or Assistance Animals that reside in public housing units as a reasonable accommodation under 14 DCMR § 7409.

6126.2 Prior Pet Ownership. Residents who own a pet at any DCHA property prior to May 1, 2005 may continue to own a pet that is otherwise not prohibited under § 6126.3, provided the resident complies with the requirements of § 6126.3(a), (b), and (c). Residents who currently own a pet as of February 8, 2017, at a senior and/or disabled-only property may continue to own the pet provided they are compliant with these regulations within ninety (90) days of implementation, excluding § 6126.3(a)(5).

6126.3 Elderly-only and Disabled Housing Properties. Residents residing at these properties shall be permitted to own pets in accordance with the following provisions:

(a) Animal Limitations.

- (1) Only domesticated animals that are commonly kept as household pets, such as a dogs, cats, birds, rodents, fish, or turtles, are permitted. The term “common household pet” shall not include reptiles, other than turtles.
- (2) A resident is permitted to own a maximum of two (2) pets. A reasonable number of fish or other animals appropriately kept in an aquarium or cage shall be considered one (1) pet. The two (2) pet maximum does not include Service or Assistance Animals that reside in the unit.
- (3) Aquariums that do not exceed twenty (20) gallons will be permitted if properly registered.
- (4) Residents with more than one (1) registered aquarium must keep the aquariums in separate rooms.
- (5) Residents may not own a dog that is expected to exceed forty (40) pounds and twenty (20) inches in height at maturity. Dogs expected to exceed this weight and height at maturity are only permitted if they are:
 - (i) Approved as a Service or Assistance Animal in accordance with Chapter 74 of this title as a reasonable accommodation; or
 - (ii) Otherwise are eligible under the prior ownership provisions of § 6126.2.

(b) Registration Requirements. Residents must comply with and meet the following requirements to qualify for pet ownership:

- (1) Maintain good standing with their lease;
 - (2) Register the animal or the contents of an aquarium or cage with the property manager;
 - (3) Provide updated registration for the animal annually;
 - (4) Provide proof that the animal has been inoculated in accordance with applicable local laws;
 - (5) Provide proof that an animal older than six (6) months has been spayed or neutered unless the resident provides certification from a licensed veterinarian that such procedure would jeopardize the medical well-being of the pet;
 - (6) Pay a refundable pet ownership fee in monthly installments, limited to cats and dogs, as reflected in the DCHA Schedule of Maintenance Charges; and
 - (7) Execute and abide by the Pet Policy lease addendum providing for the proper care and maintenance of the animal and the unit in accordance with DCHA rules and policies. Failure to abide by the Pet Policy will be considered a violation of the lease.
- (c) Ownership Responsibilities. Residents approved for pet ownership must abide by the following conditions, as well as DCHA's Pet Policy:
- (1) The resident shall be responsible for paying for services related to any pet-related rodent and/or insect infestation, as well as any pet-related property damage, in their unit. The resident shall keep the apartment in a sanitary condition at all times and is responsible for keeping the surrounding areas free of pet odors, waste, and litter.
 - (2) The resident shall store all pet food in sealed containers.
 - (3) The resident shall be responsible for ensuring the rights of other residents to peace and quiet enjoyment, health, and/or safety are not infringed upon or diminished by a pet's noise, odors, waste or other nuisance.
 - (4) The resident shall continuously provide the proper maintenance and care for the pet.