

ACOP Development Guide



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CHAPTER 9: PET OWNERSHIP



This document is part of the Admissions and Continued Occupancy Policy (ACOP) Development Guide. The full ACOP Guide includes nine chapters on different topics addressed in a typical ACOP.

To see the full ACOP Guide go to:

<https://www.hudexchange.info/programs/public-housing/admissions-and-continued-occupancy-policy-toolkit/>

This document is provided for informational purposes only and is not an official, or required, HUD document.

CHAPTER 9:

OVERVIEW

The purpose of this Chapter is to provide PHAs with guidance for drafting pet ownership policies. Rules for owning pets may vary based on the type of housing designation, location, and occupants of the development. There is a difference between what policy can be established for a general occupancy development versus what is permissible at developments for elderly tenants and/or tenants with disabilities. For practical purposes, PHAs may establish similar requirements for both elderly/disabled and general occupancy developments. In short, pet ownership rules for residents of elderly/disabled developments must be established in accordance with 24 CFR Part 5, Subpart C, and policies for general occupancy developments, in accordance with 24 CFR Part 960, Subpart G.

- Tenants who live in elderly/disabled developments must be allowed to own common household pets. The PHA may choose whether to establish pet rules. If the PHA opts to not set rules, there must be language in the lease stating that owning and keeping pets will be subject to general obligations imposed in the lease as well as applicable State and local laws.
- Tenants in general occupancy developments must be allowed to own or have one or more pets in their units, as long as they comply with the policy set forth in the ACOP. The PHA must set the pet policy and outline the reasonable requirements in the ACOP.
- For all development types, the rules or policies must, however, be reasonable and not conflict with any applicable State or local law or regulation governing pet ownership in residences.
- In addition, pet ownership policies must not only meet HUD's regulatory requirements, but must also comply with any other requirements of local, state or federal law (including 12 U.S.C. § 1701r-1, 42 U.S.C. § 1437z-3,) and Notice [FHEO-2020-01](#) "Assessing a Person's Request to Have an Animal as a Reasonable Accommodation under the Fair Housing Act."

It is important to note that PHAs may not apply or enforce policies they establish for pet ownership to animals that are used to assist, support, or provide services to persons with disabilities. Such assistance animals are not subject to PHA pet rules or policies, including but not limited to size, weight, and type restrictions, designated areas, and deposit requirements.

When drafting pet ownership policies, PHAs must consider the distinction between **Mandatory** (non-Discretionary) and **Discretionary** policies.



Mandatory Policies

Mandatory policies must comply with HUD and other regulations and must be included in the ACOP. Mandatory policies are those prescribed in statute and regulation that must be part of the ACOP and for which PHAs have no flexibility.



Discretionary Policies

Discretionary policies are areas where the PHA has flexibility to define policies, typically within a given set of parameters. They may be unique to the PHA and based on industry best practices. These policies must still comply with Federal, State and local laws as well as HUD guidance.

TOPICS COVERED IN THIS CHAPTER

The following are key components of a typical ACOP chapter about Pet Ownership that are described in this chapter.

- 9.1. Service and Assistance Animal Exclusion
- 9.2. Definition of Common Household Pet, Prohibited Animals & Type and Number of Pets
- 9.3. Registration of Pets, General Rules & Requirements for All Development Types
- 9.4. Pet Restraint and Area Restrictions
- 9.5. Sanitary Standards
- 9.6. Financial Obligation
- 9.7. Nuisance or Threat to Health or Safety
- 9.8. Pet Rule Violation Procedures

Learn More About Pet Ownership Policies in the Public Housing Occupancy Guidebook

This chapter outlines the U.S. Department of Housing and Urban Development's (HUD) requirements for establishing pet policies in the Public Housing program and provides guidance to Public Housing Authorities (PHAs) in implementing pet ownership policies.



[Pet Ownership in Public Housing](#)

9.1. SERVICE AND ASSISTANCE ANIMAL EXCLUSION



Helpful Tips

- ✓ PHA staff should familiarize themselves with how to assess a person's request to have an animal as a reasonable accommodation under the Fair Housing Act. For example, if a staff member observes a dog leading a blind person, that would be reasonable grounds to assume the dog is a service animal and not a pet. See [FHEO-2020-01](#) for more information and best practices.
- ✓ It is important to understand the difference between the two types of assistance animals. There are two types of assistance animals: (1) service animals, and (2) other animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities, which are referred to as "support animals."
- ✓ Under the Fair Housing Act, a housing provider may request reliable documentation when an individual requesting a reasonable accommodation has a disability and disability-related need for an accommodation that are not obvious or otherwise known. One reliable form of documentation is a note from a person's health care professional that confirms a person's disability and/or need for an animal when the provider has personal knowledge of the individual. See [FHEO-2020-01](#) for more information and best practices.



Mandatory Policies

- Assistance, support and service animals for persons with disabilities are not subject to the PHA pet policy per 24 CFR § 5.303 and 24 CFR § 960.705. These animals are not considered pets. Rather, they are animals that do work, perform tasks, assist, and/or provide therapeutic emotional support for individuals with disabilities.
- Therefore, these animals cannot be included in PHA pet rules or policies, including but not limited to those providing restrictions as to size, weight, and type restrictions, imposing designated areas, and requiring deposits.



Discretionary Policy Considerations

- PHAs have some discretion about how much detail to include about the Assistance Animal Policy in their ACOP. Generally, PHAs produce a separate Assistance Animal Policy that specifically lays out the rules for assistance animals. There should be mention of the exclusion in the ACOP's Pet Ownership Policy so that it is clear there are different requirements for assistance animals versus pets.

Sample ACOP Language

SERVICE AND ASSISTANCE ANIMAL EXCLUSION

This policy does not apply to animals that are used to assist persons with disabilities. Service and assistance animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors.

For an animal to be excluded from the pet policy and be considered a service animal, the person seeking to use and live with the animal must have a disability; and the person seeking to use and live with the animal must have a disability-related need for the service or assistance the animal provides.

For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request, and the **USA HOUSING AGENCY** approve, a reasonable accommodations request.

Residents must care for service animals and assistance animals in a manner that complies with state and local laws, including anti-cruelty laws.

Residents must ensure that service animals and assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents.

Sample ACOP Language

Requests for reasonable accommodation for assistance animals must be processed in accordance with the Fair Housing and Equal Opportunity section in the Fair Housing and Nondiscrimination Requirements chapter. The reasons for denying an accommodation request include, but are not limited, to:

- The specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation; or
- The specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

No deposit is charged for assistance animals. There are no height, weight, or breed limits for assistance animals, and assistance animals may accompany the resident anywhere the resident is allowed to go.

Assistance animals may, however, be denied access to any area or facility if the animal is out of control and its handler does not control it; or the animal has a history of eliminating in common areas; or the animal in question poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices, and procedures.

When a resident's care or handling of a service animal or assistance animal violates these policies, the **USA HOUSING AGENCY** will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If the **USA HOUSING AGENCY** determines that no such accommodation can be made, the PHA may withdraw the approval of a particular service or assistance animal.

All assistance animals must be reported to **USA HOUSING AGENCY**. Such reporting shall consist of providing the following:

- Basic information about the animal (type, age, description, name, etc.);
- A picture of the animal for identification purposes;
- Veterinarian written verification of inoculations against rabies and certification of spay/neuter;
- Inoculations and license of the animal must be kept current, in accordance with city regulation; and
- The animal owner's signature on a copy of the Assistance Animal Lease Addendum

9.2. DEFINITION OF COMMON HOUSEHOLD PET, PROHIBITED ANIMALS & TYPE AND NUMBER OF PETS



Helpful Tips

- ✓ There is no regulatory definition of common household pet, but regulations for pet ownership in elderly/disabled developments authorizes PHAs to define the term (24 CFR § 5.306).
- ✓ This sample ACOP language includes a definition that is consistent with the definition in 24 CFR § 5.306 for common household pets; however a PHA is not required to use this definition, particularly if it conflicts with any applicable State or local law or regulation that defines common household pets.



Mandatory Policies

- Public housing tenants of both general occupancy developments and elderly/disabled developments must be permitted to own or have common household pets subject to the PHA's reasonable requirements (24 CFR Part 5, Subpart C).
- HUD regulations dictate that residents may own one or more common household pets or have one or more common household pets present in the dwelling unit, subject to the reasonable requirements of the PHA, if the resident maintains each pet: responsibly, in accordance with applicable State and local public health, animal control, and animal anti-cruelty laws and regulations; and in accordance with the policies established in the PHA Annual Plan (24 CFR § 960.707).



Discretionary Policy Considerations

- **Definition of a Common Household Pet:** PHAs have the discretion to define common household pet for both general occupancy and elderly/disabled developments. PHAs may develop a reasonable definition or otherwise develop reasonable restrictions on the types of common household pets allowed in their developments (24 CFR § 5.318(a); § 960.707(b)).
- **Weight, Size, and Type of Pets:** For tenants of both general occupancy and elderly/disabled developments, PHAs may place prohibitions based on types of pets it classifies as dangerous provided that such classifications are consistent with applicable state and local law. The pet rules and/or policies also may place prohibitions on individual pets, based on certain factors, including size and weight (24 CFR § 960.707(b)). A general industry standard is to limit pet weight to 25 pounds or less. PHAs may choose to set different rules for different types of pets, such as: cats may not exceed 15 pounds and adult dogs must not exceed 25 pounds.
- **Tenant and Pet Density:** Tenant and pet density may be considered to place reasonable limitations on the number of pets allowed in each unit in both general occupancy and elderly/disabled developments. In the case of elderly/disabled group homes, the pet rules and/or policy may place reasonable limitations on the number of pets allowed in each home (24 CFR § 5.318(b)-(g); 24 CFR § 5.318(b)(2)(ii)).

Sample ACOP Language

DEFINITION OF COMMON HOUSEHOLD PET FOR ALL DEVELOPMENTS

For this purpose, common household pets shall mean domesticated animals such as a dog, cat, bird, rodent (guinea pig, hamster, or gerbil), fish, frog, or turtle that are traditionally kept in the home for pleasure rather than for commercial use.

PROHIBITED ANIMALS

Many animals do not meet the definition of common household pet and management reserves the sole right to decide regarding any such animal listed under this section.

The following includes but is not limited to animals considered to be of a vicious and/or attacking nature or animals otherwise not traditionally kept in the home for pleasure and therefore will not be permitted on the premises of the **USA HOUSING AGENCY**:

1. Any animal whose adult weight will exceed 25 pounds.
2. Dogs such as Pit Bulls, Rottweilers, Doberman Pinchers, German Shepherds, Bull Dogs or breeds not permitted under state or local law or code.
3. Reptiles such as snakes, alligators, lizards, iguanas, chameleons, etc.
4. Farm animals such as chickens, pigs, cows, mules, horses, etc.
5. Wild animals such as lions, leopards, bears, tigers, wolves, etc.
6. Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations
7. Any animal not permitted under state or local law or code.

TYPES AND NUMBER OF PETS

1. Only one four-legged, warm-blooded animal (i.e., dog, cat, hamster, etc.) is allowed per unit. Such animals shall not exceed 18 inches in height and/or 25 pounds in weight at maturity. Animals referenced under Prohibited Animals are not permitted even if they meet the weight and height criteria.
2. In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 10 gallons. Such a tank or aquarium will be counted as 1 pet.

9.3. REGISTRATION OF PETS, GENERAL RULES & REQUIREMENTS FOR ALL DEVELOPMENT TYPES



Helpful Tips

- ✓ Most PHAs require tenants to register their pet(s) with the PHA. Registration requirements often include a licensed veterinarian's certification of required pet inoculations, information to identify the pet, a photo of the pet, and an emergency contact. As a best practice, HUD recommends PHAs update this information as part of the tenant's reexamination.
- ✓ HUD's position on cat declawing is that it is not a requirement or condition of pet ownership in public housing and encourages PHAs to refrain from engaging in this practice. HUD follows the ASPCA's guidance on declawing cats.



Mandatory Policies

- Public housing tenants of both general occupancy developments and elderly/disabled developments must be permitted to own or have common household pets subject to the PHA's reasonable requirements (24 CFR Part 5, Subpart G).
- A PHA cannot require pet owners to have any pet's vocal cords removed.
- HUD allows PHAs to establish the pet policy for general occupancy developments. The key is that the policies must be reasonable and developed with tenant input. This means any PHA policies that are discretionary need to meet these two standards, found in 24 CFR § 5.315(c)(1):
 - Be reasonably related to furthering a legitimate interest of the PHA, such as protecting and preserving a safe and sanitary living environment for existing and prospective tenants; and
 - Be drawn narrowly to achieve the PHA's legitimate interests, without imposing unnecessary burdens and restrictions on pet owners and prospective pet owners.



Discretionary Policy Considerations

- **Pet Registration:** For both general occupancy and elderly/disabled developments, PHA policy may include a requirement of pet licensing or pet registration depending on the type of pet in accordance with applicable state and local laws and regulations. If the policy does not contain this requirement, pet owners are not relieved of responsibility for complying with applicable state and local pet licensing requirements.
- **Spay/Neuter Requirement:** PHAs may require pets be spayed or neutered. It is generally considered a best practice to require pets to be spayed/neutered once they reach the age of 6 months. It is useful to include this as a requirement for registration.
- **Temporary Pets:** PHA pet rules may exclude pets not owned by a tenant but kept temporarily on the project premises. Pets are "kept temporarily" if they are kept in the tenant's unit for fewer than 14 consecutive days and nights. HUD encourages PHAs to permit the use of sponsored visiting pet programs, such as those offered by a humane society or other nonprofits.
- **Other General Rules:** A PHA may establish other rules regarding pet ownership to be incorporated in the ACOP and dwelling lease to include fumigation and cleaning fees, unit or premise alterations, pet breeding, pet cleanliness and care, inspection and access to units, as long as such rules are fair and reasonable rules and do not violate federal, state, and local laws and ordinances.

Sample ACOP Language

REGISTRATION OF PETS FOR ALL DEVELOPMENT TYPES

A pet must be registered with the management agent before it is brought onto the premises. The pet owner shall update this registration on an annual basis at the time of annual recertification. Pets will not be approved to reside in a unit until completion of the registration requirements. Registration will include the following:

1. A certificate signed by a licensed veterinarian or local/state authority stating that the pet is spayed/neutered, has received all inoculations required by law and that the pet has no communicable disease(s) and is pest-free.
2. Information sufficient to identify the pet and to demonstrate that it is a common household pet. A recent photograph of the pet shall be submitted by the pet owner to be kept on file by management.
3. A signed statement indicating that the pet owner has read the pet rules and agrees to comply with them.
4. The name, address, and phone number of one or more responsible parties who will care for the pet if the owner dies or becomes incapacitated and can no longer care for the pet.
5. Pets must be licensed in accordance with state or local law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident's annual reexamination.

Failure to comply with the above-referenced registration policies shall constitute grounds for denial of a pet on the premises.

If management, for good reason, refuses to register a pet, a written notification will be sent to the pet owner stating the reason(s) for denial.

Only resident-registered pets are permitted at the development.

Animals being cared for temporarily are subject to the pet policy rules. Residents who plan to temporarily care for an animal must request and receive permission from the management office prior to bringing the animal onto the premises. **USA HOUSING AGENCY** has the sole discretion to approve or deny such requests. Animals that belong to visitors are also subject to the pet policy rules regarding behavior and area restrictions.

Sample ACOP Language

GENERAL RULES AND REQUIREMENTS

6. All dogs and cats must be spayed/neutered at the time of registration, or within 30 days of the pet reaching 6 months of age, unless a letter is received from a licensed veterinarian giving a medical reason why such is detrimental to the health of the pet.
7. There is to be no breeding of any kind of pet on the premises. This also applies to small, caged animals such as hamsters, birds, etc.
8. All dogs and cats should be bathed and/or groomed regularly. Dogs and cats should have their nails clipped on a regular basis. A regular basis is defined as the timeframe necessary to avoid damage to the property and unit. This timeframe may depend on the type of animal, its size, and its routine.
9. Residents who have demonstrated poor housekeeping habits will not be allowed to own a pet until such time that their housekeeping practices meet and remain at the standards expected of residents. Residents will be notified via formal notice.
10. No pet shall be left unattended for more than 12 continuous hours.
11. Pet owners are considered responsible for their pet and shall not permit the pet to create excessive noise or otherwise disrupt the peaceful enjoyment of other residents.
12. Pet owners are considered liable for the actions of their pet and agree to hold harmless the **USA HOUSING AGENCY** from any and all damages or personal injury resulting from the actions of their pet.
13. The pet owner shall designate a relative or some other responsible party to sign an agreement stating that they (relative or other party) will accept full responsibility for the pet should the pet owner die, become incapacitated, or in any emergency situation.
14. Pet owners shall not alter in any way the dwelling unit, porch, grounds, or common area to accommodate a pet. Pet doors, doghouses and dog pens are strictly prohibited.
15. Pet owners must present evidence for PHA files showing their pets have been inoculated by a licensed veterinarian against rabies and has received any other inoculations required by law. This is an ongoing requirement anytime required inoculation laws change. All dog owners must present evidence of inoculation against canine distemper.
16. Pets that are not owned by a tenant are not allowed on the premises. Residents are prohibited from feeding or harboring stray animals. This rule does not apply to tenants who are temporarily caring for animals and have received permission from the management office prior to bringing the animal onto the premises. This rule also does not apply to visiting pet programs sponsored by a humane society or other non-profit organizations and approved by the PHA.

9.4. PET RESTRAINT AND AREA RESTRICTIONS



Helpful Tips

- ✓ It is a best practice to set parameters about where pets are allowed on PHA properties. PHAs will often not allow pets to enter the management offices where staff work. In this sample ACOP language, the PHA does allow pets in common areas of the buildings but depending on the layout and size of the buildings, PHAs may opt to not allow pets to enter those areas.



Mandatory Policies

- PHAs may not designate an entire development as a no-pet area since regulations permit residents to own pets.
- Pet owners must maintain pets in accordance with PHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations (24 CFR § 5.315; 24 CFR § 960.707(a)).
- **Designated Pet Areas:** For both general occupancy and elderly/disabled developments, PHAs may designate buildings, floors of buildings, or sections of buildings as areas where pets generally may not be permitted. PHAs may bar pets from specified common areas (such as lobbies, laundry rooms, and social rooms) if pets and their owners can reasonably get in and out of the building or development. Similarly, the pet rules may designate buildings, floors of buildings, or sections of buildings for residency generally by pet-owning tenants. The PHA may adjust the pet and no-pet areas and/or may direct such additional moves as necessary to accommodate prospective pet-owning tenants or meet the changing needs of existing ones (24 CFR § 5.318(b)-(g)).
- In general occupancy developments, the pet policies may also place restrictions or prohibitions based on size and type of building or development, or other relevant conditions (24 CFR § 960.707(b), 5.318(b)-(g)).
- PHAs may choose to designate certain areas to help meet the needs of pet owners while addressing the comfort of other residents. Examples include: a designated pet relief area; designated non-pet areas (such as near playground equipment); and/or a designated off-leash, enclosed area for dogs.



Discretionary Policy Considerations

- **Pet Care, Handling & Maintenance:** For elderly/disabled developments, the PHA may prescribe standards of pet care and handling and require owner to control noise and odor caused by pet. The PHA may prescribe standards of pet care and handling limited only to those necessary to protect the condition of the tenant's unit and the general condition of the premises, or to protect the health or safety of present tenants, PHA employees, and the public. For example, the rules may require the pet owner to appropriately restrain a pet when a maintenance worker needs to enter a unit.

Sample ACOP Language

PET RESTRAINT AND AREA RESTRICTIONS

Across both elderly/disabled and general occupancy developments, all pets must be appropriately and effectively restrained and under the control of a responsible person while in the common areas of the development. No pets are permitted in the offices, maintenance areas or community facilities. **USA HOUSING AGENCY** has not designated any buildings, floors of buildings, or sections of buildings as no-pet areas. In addition, the **USA HOUSING AGENCY** has not designated any buildings, floors of buildings, or sections of buildings for residency of pet-owning tenants.

A “Responsible Person” is any family member at least 18 years of age with the physical stamina and mental alertness to keep the pet under control and must be:

1. Familiar with the pet’s temperament, disposition, and behavior patterns.
2. Aware of and willing to abide by the pet rules and lease provisions.
3. Able and willing to provide proper nourishment, medical attention, and general good care and treatment of the pet.
4. Aware of required sanitary conditions for the dwelling unit and grounds.

No dog or cat shall be allowed to run at large about the premises. Such pets must always be on a leash while in the common areas. The pet owner must have a plastic bag which they use for removal and proper disposal of solid pet waste while walking their pet.

Pet owners are not permitted to exercise pets or permit pets to deposit waste on project premises outside of the areas designated for such purposes.

MANAGEMENT ACCESS TO DWELLING UNIT INSPECTIONS AND REPAIRS

Management will not enter the dwelling unit for performance of repairs or inspections where a pet resides unless accompanied (the entire time) by the pet owner or the responsible person designated by the pet owner. The pet must be held under physical restraint by the pet owner or responsible person until management has completed its task(s). Any delays or interruptions suffered by management in the inspection, maintenance, and upkeep of the premises due to the presence of a pet may be cause for lease termination.

9.5. SANITARY STANDARDS



Helpful Tips

- ✓ It is a best practice to include details about expectations for pet owners to clean up after their pet. The rules should be established to help maintain a safe and clean common area for all residents as well as to protect the well-being of pets while they reside in the unit.



Mandatory Policies

- Pet owners must maintain pets in accordance with PHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations (24 CFR § 5.315; 24 CFR § 960.707(a)).



Discretionary Policy Considerations

- **Sanitation Standards:** The PHA may prescribe standards of pet care and handling limited only to those necessary to protect the condition of the tenant's unit and the general condition of the premises, or to protect the health or safety of present tenants, PHA employees, and the public (24 CFR § 5.318(b)-(g)).

Sample ACOP Language

SANITARY STANDARDS

Pets must have their own areas within the dwelling unit which are maintained in a manner that is clean, sanitary, and odor-free. For dogs, a dog crate with sufficient cushioning must be used. Cats must have litter boxes with an ample supply of deodorized cat litter. Birds, hamsters, rabbits, etc., must have a cage with ample deodorized litter materials.

Pet waste must be disposed of frequently and in a sanitary manner. To this end, the following procedures are to be followed:

1. All pet waste must be placed in a plastic trash bag and adequately secured.
2. All trash bags containing pet waste are to be placed in the dumpsters (or trash containers) located outside the dwelling. At no time should pet waste or cat litter be flushed down a commode.
3. All litter boxes and pet cages must be cleaned of pet waste at least once per day. Additionally, in the case of cats and/or pets using litter materials (rabbits, hamsters, etc.), the pet owner must change the litter twice each week.
4. In the case of dogs, the dog crates must be cleaned, disinfected, and deodorized once per month.
5. Dog and cat owners are required to train and housebreak their pet to dispose of waste on a routine schedule (i.e., in the morning, evening and at night). For this purpose, the grass area anywhere outside of the dwelling unit will be the designated area for pet waste. Once the pet has disposed of waste material, the pet owner must immediately retrieve the waste and dispose of it in the manner described in this section.
6. All pets must always be kept clean and must be treated to prevent fleas, ticks, lice, etc., at least four times per year.

9.6. FINANCIAL OBLIGATION



Helpful Tips

- ✓ PHAs can charge a pet deposit fee in both types of developments. It is important to separate the pet deposit fee from any other PHA-related fees or deposits and keep the payments in an escrow account while the resident and pet live in the unit.



Mandatory Policies

- For both types of developments, the maximum amount the PHA can charge for a pet deposit, on a per-unit basis, must not exceed the higher of the Total Tenant Payment (TTP), or such reasonable fixed amount as the PHA may require or an amount periodically fixed by HUD through notice. The pet rules may permit gradual accumulation of the pet deposit by the pet owner (24 CFR § 5.318(d)).
- PHAs may not prescribe pet rules that impose additional financial obligations on pet owners that are designed to compensate the project owner or PHA for costs associated with the presence of pets in the project, including (but not limited to) requiring pet owners to obtain liability or other insurance to cover damage caused by the pet, to agree to be strictly liable for all damages caused by the pet where this liability is not otherwise imposed by State or local law, or to indemnify the project owner for pet-related litigation and attorney's fees (24 CFR § 5.318(d)(5)).
- For general occupancy developments, if a deposit is required, the PHA must put the money in an escrow account, or the proper account required for rental security deposit, depending on state and local law. This may mean the tenant can accrue a gradual accumulation of interest on the refundable fee while it sits in the account.
- For both types of developments, the PHA must refund the unused portion of the pet deposit to the tenant within a reasonable time after the tenant moves out or no longer owns or keeps a pet in the unit.



Discretionary Policy Considerations

- **Pet Fees and Deposits:** PHAs have the discretion to require tenants of general occupancy developments to pay one or both of the following: (1) a nonrefundable nominal fee to cover reasonable costs to the property relating to presence of pets, or (2) a refundable pet deposit to cover additional costs attributable to the pet and not otherwise covered, such as damages to the unit. The sample language shows how a PHA might require both types of charges.
- **Pet Deposits:** Residents of elderly/disabled developments who own or keep pets in their units may be required to pay a refundable pet deposit. This deposit is in addition to any other financial obligation generally imposed on tenants. The PHA may use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet, including (but not limited to) the cost of repairs and replacements to, and fumigation of, the tenant's unit.

Sample ACOP Language

FINANCIAL OBLIGATION

Pet Deposits for General Occupancy Developments

All residents of general occupancy developments who own and keep a pet are required to pay a refundable pet deposit of \$150 in addition to any other required deposits. The deposit must be paid in full before the pet is brought on the premises. The pet deposit is not part of rent payable by the resident.

Residents of general occupancy developments who have a dog and/or a cat as a pet must pay the required non-refundable pet fee of \$100 for each dog and cat. This fee is not part of the rent.

The **USA HOUSING AGENCY** will refund the pet deposit to the resident of the general occupancy development less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out inspection or removal of the pet from the unit after an inspection has been conducted. The refundable pet deposit may accumulate interest gradually and will be paid to the resident.

The resident will be billed for any amount required to repair damage caused by their pet that exceeds the pet deposit.

The **USA HOUSING AGENCY** will provide the resident a written list of any charges against the pet deposit within 30 days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, the **USA HOUSING AGENCY** will set up a meeting with the resident to discuss the charges.

Pet Deposits for Elderly/Disabled Developments

Pet owners in elderly/disabled developments are required to pay a pet deposit in addition to any other required deposits. The amount of the deposit is the higher of the family's total tenant payment or \$50.00 and must be paid in full before the pet is brought on the premises.

The **USA HOUSING AGENCY** will refund the pet deposit to the resident of an elderly/disabled development less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out inspection or removal of the pet from the unit after an inspection has been conducted. The refundable pet deposit may accumulate interest gradually and will be paid to the resident.

The resident will be billed for any amount required to repair damage caused by their pet that exceeds the pet deposit.

The **USA HOUSING AGENCY** will provide the resident a written list of any charges against the pet deposit within 30 days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, the **USA HOUSING AGENCY** will set up a meeting with the resident to discuss the charges.

9.7. NUISANCE OR THREAT TO HEALTH OR SAFETY



Helpful Tips

- ✓ It is important to outline the parameters under which a PHA will intervene and contact Animal Control to remove a resident's pet from the premises.
- ✓ In cases of emergency where the pet owner is not able to care for the pet, every effort should be made to have the pet taken care of by the owner's designated responsible person.



Mandatory Policies

- Pet owners must maintain pets in accordance with PHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations (24 CFR § 5.315; 24 CFR § 960.707(a)).



Discretionary Policy Considerations

- **Nuisance and Threats to Safety:** If, under State or local law, a pet's conduct or condition is deemed a nuisance or threat to the health or safety of other tenants or other persons in the surrounding community, the PHA may require removal of the pet from a development (24 CFR § 5.327).

Sample ACOP Language

NUISANCE OR THREAT TO HEALTH OR SAFETY

If the health, well-being and safety of a pet is threatened by the death, incapacity, or negligence of the pet owner, the responsible person listed in the pet registration shall be contacted to take responsibility for the pet.

If the responsible person is unable or unwilling to care for the pet, or cannot be contacted despite reasonable efforts, the management agent may remove the pet by:

1. Contacting the appropriate agencies and requesting removal of the pet, or
2. Placing the pet in a facility that will provide care and shelter at the pet owner's expense until (1) the pet owner or the designated representative is able to resume responsibility for the pet or (2) for thirty (30) days, whichever occurs first.

In cases where a pet becomes vicious, displays symptoms of severe illness, or demonstrates other behavior that constitutes an immediate threat to the health and safety of the residency as a whole, the pet owner may be asked to remove the pet immediately. If a pet owner refuses to remove a pet immediately, or if the pet owner or responsible person cannot be contacted, the pet may be removed in accordance with number 1 and 2 of this section.

In cases where a pet dies, the pet owner shall be responsible for removing the pet in a clean, safe, and sanitary manner. In particular reference to dogs and cats, the pet should be placed in a common trash bag and the local Animal Control division should be contacted immediately to remove the pet from the premises within 24 hours.

9.8. PET RULE VIOLATION PROCEDURES



Helpful Tips

- ✓ PHAs should incorporate the terms of the pet policy directly into the public housing lease. It is useful to reference the procedures for and violations of the pet policy here in the ACOP.



Mandatory Policies

- Pet owners must maintain pets in accordance with PHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations (24 CFR § 5.315; 24 CFR § 960.707(a)).



Discretionary Policy Considerations

- It is a best practice to incorporate in the procedure a meeting to discuss the violation in the event the resident can correct the underlying issue that caused the violation.

Sample ACOP Language

PET RULE VIOLATION PROCEDURES

All pet owners will be required to abide by all provisions of the Public Housing Residential Lease and the Pet Policies and Procedures for the Public Housing Program associated with owning and keeping a pet in their apartment. If it is determined that a pet owner has violated the rules governing pet ownership, the following procedures shall be observed:

A written notice of the pet rule violation shall be served on the pet owner outlining the following:

- a. Basis of the determination and pet rule(s) violated.
- b. Statement that the pet owner has ten (10) days from the date of service/delivery of the notice to correct the violation (including, in appropriate circumstances, removal of the pet).
- c. Statement that the pet owner may make a written request for a meeting to discuss the violation. This request must be made within three (3) days of the service/delivery date of the violation notice.
- d. Statement that failure by the pet owner to correct the violation, to request a meeting, or to appear at a requested meeting may result in the termination of the lease agreement.
- e. If the pet owner makes a timely request for a violation meeting, a time and place for the meeting shall be established no later than fifteen (15) days from the date of service/delivery of the pet rules violation.

If the pet owner has not resolved the rule violation, or if the violation is not resolved at the rule violation meeting, a notice shall be served on the pet owner requiring the removal of the pet. In such cases, the pet owner must remove the pet within ten (10) days of the rule violation meeting. Failure to comply with management's request to remove a pet may result in the termination of the pet owner's lease agreement.