

DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Board of Commissioners of District of Columbia Housing Authority ("DCHA") hereby gives notice of the adoption on an emergency basis of amendments to Chapter 62 of Title 14 DCMR, "Low Rent Housing: Rent and Lease," and Chapter 74 of Title 14, "Reasonable Accommodation Policies and Procedures," by adding Section 6211 and by inserting a new Section 7409. These sections govern the ownership of pets and service animals in public housing.

This emergency action is based on the DCHA's Creative Living Solution Plan for Fiscal Year 2004 which requires the adoption of a pet policy during fiscal year 2004.

The Board of Commissioners of the DCHA also gives notice of intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The proposed rule will expire on January 13, 2005, or upon publication of a Notice of Final Rulemaking in the Register, whichever occurs first.

Amendment: Chapter 62, Low Rent Housing: Rent and Lease, is amended by adding a new section, Section 6211, to read as follows:

6211 PET OWNERSHIP IN PUBLIC HOUSING

- 6211.1 Service Animals. Residents of any DCHA-owned property who are disabled may own service animals as a Reasonable Accommodation provided that an application for a Reasonable Accommodation has been submitted and approved in accordance with Section 7403 of this Subtitle.
- 6211.2 Pets. Residents of DCHA owned properties may not keep pets in their unit as of January 1, 2005.
- 6211.3 Special Designations. In order to provide housing for residents who may be allergic or that are fearful of living in close proximity to animals, specific floors of buildings and specific sections of buildings may be designated as no-animal areas by the Deputy Executive Director for Operations.

Amendment: Chapter 74, Reasonable Accommodation Policies and Procedures, is amended by revising Section 7409 to read as follows:

7409 SERVICE ANIMALS

- 7409.1 Residents of DCHA with disabilities are permitted to have service animals, if such animals are necessary as a reasonable accommodation for their disabilities. DCHA residents or potential residents who need a service animal as a reasonable

accommodation must request the accommodation in accordance with the reasonable accommodation policy.

7409.2 DCHA requires that a resident or prospective resident with a service animal provide written certification from a third party, such as a health care provider, that:

- (a) the resident or a member of his or her family is a person with a disability; and
- (b) the animal has been individually trained, by the person with a disability or others, to work for the benefit of the person with a disability.

7409.3 Residents and prospective residents are also required to provide a certificate signed by a licensed veterinarian or a local authority empowered to inoculate animals (or designated agent of such an authority) stating that the service animal has received all inoculations required by applicable local law.

All persons desiring to comment on the subject matter of this rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the Office of the General Counsel, DCHA, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599. Copies of these rules may be obtained from DCHA at that same address.