

Pet Ownership in Public Housing

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The Coronavirus Aid, Relief and Economic Security (CARES) Act (Public Law 116-136) provides the US Department of Housing and Urban Development (HUD) with broad authority to waive or establish alternative requirements for numerous statutory and regulatory requirements for the Public Housing program. Through [Public and Indian Housing \(PIH\) Notices](#), HUD established temporary waivers and alternative requirements to be used at the discretion of the PHA and which may provide for flexibilities from some of the statutory and regulatory requirements described in this document. HUD strongly encourages PHAs to utilize any and all waivers and alternative requirements as necessary to keep Public Housing programs operational to the extent practicable during the COVID-19 pandemic.

Please visit https://www.hud.gov/coronavirus/public_housing_agencies for the latest COVID-19-related resources, including relevant PIH Notices.

1 Chapter Overview

This chapter outlines the U.S. Department of Housing and Urban Development’s (HUD) requirements for pet ownership in the Public Housing program and provides guidance to Public Housing Agencies (PHAs) in developing and implementing pet rules or policies. Tenants who live in public housing developments are permitted to own common household pets, subject to the requirements specific to public housing designated for the elderly and people with disabilities and all other public housing.¹ Both requirements grant PHAs considerable discretion in establishing reasonable pet rules or policies appropriate for their individual communities.

2 Applicability

2.1 Common Household Pets

The pet ownership requirements discussed in this chapter apply only to common household pets (“pets”).² For the Public Housing program, HUD does not define common household pets but allows PHAs to develop a reasonable definition or otherwise develop reasonable restrictions on the types of common household pets allowed in their rules and policies.³ For example, some PHAs have defined common household pets to include domesticated animals such as a dog, cat, bird, rodent (including a rabbit), fish, or turtle, that is traditionally kept in the home for pleasure rather than for commercial purposes.⁴

2.2 Assistance Animals

The pet ownership requirements discussed in this chapter do not apply to assistance animals.⁵ Assistance animals are not pets. They are animals that do work, perform tasks, assist, and/or provide therapeutic emotional support for individuals with disabilities. There are two types of assistance animals: (1) service animals,⁶ and (2) other animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities.⁷ Assistance animals perform a range of functions for individuals who have a disability-related need for an assistance animal.

These functions, include but are not limited to:

- guiding individuals who are blind or have low vision,
- alerting individuals who are deaf or hard of hearing to sounds,

¹ 12 U.S.C.A § 1701r-1, Pet ownership in assisted rental housing for the elderly or handicapped; 42 U.S.C.A § 1437z-3, Pet ownership in Public Housing

² 24 CFR § 5.318(a); § 960.707(a)

³ 24 CFR § 5.318(a); § 960.707(b)

⁴ This definition 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.

⁵ 24 CFR § 5.303; § 960.705

⁶ Under the Department of Justice’s regulations implementing the Americans with Disabilities Act (ADA), Service Animals are defined as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.”

⁷ Notice FHEO-2020-01, Assessing a Person’s Request to Have an Animal as a Reasonable Accommodation under the Fair Housing Act

- providing protection or rescue assistance,
- pulling a wheelchair,
- retrieving items,
- alerting persons to impending seizures, or
- providing emotional support to persons with disabilities who have a disability-related need for such support.

Assistance animals are not pets, and thus, are not subject to PHA pet rules or policies, including but not limited to size, weight, and type restrictions, designated areas, and deposit requirements.⁸

3 Establishing Rules or Policies for Pet Ownership

The pet ownership requirements discussed for housing for the elderly or persons with disabilities (elderly/disabled developments) apply to developments either designated for occupancy by the elderly⁹ or persons with disabilities at its inception or for which the PHA gives preference in tenant selection for all units in the development with HUD approval.

PHAs must permit tenants of elderly/disabled developments to own common household pets and may establish rules governing pet ownership. Further, PHAs must not discriminate with respect to admissions or continued occupancy in such elderly/disabled housing based on an applicant or tenant owning a pet or having a pet in their unit.¹⁰

HUD permits tenants in general occupancy developments to own or have one or more pets in their units, subject to the PHA's reasonable requirements and the tenant meeting specific obligations as outlined in the PHA's Plan and related Admissions and Continued Occupancy Policy (ACOP). Namely, the tenant must maintain each pet responsibly, in accordance with relevant state and local public health, animal control and anti-cruelty laws, and in accordance with the policies established in the PHA's Annual Plan.¹¹

3.1 Discretion to Establish Pet Rules for Elderly/Disabled Developments or a Pet Policy for General Occupancy Developments

3.1.1 Elderly/Disabled Developments

PHAs have discretion regarding establishing rules governing common household pets consistent with 24 CFR Part 5, Subpart C as part of the pet policy in elderly/disabled developments.¹² If a PHA chooses not to establish such rules, the PHA must not impose any requirements inconsistent with 24 CFR Part 5, Subpart C,

⁸ Notice FHEO-2020-01, Assessing a Person's Request to Have an Animal as a Reasonable Accommodation under the Fair Housing Act; For a full discussion of assistance animals and reasonable accommodations, please refer to the *Fair Housing and Nondiscrimination* chapter of this Guidebook.

⁹ Requirements for designating public housing can be found at 42 U.S.C. § 1437e(d)

¹⁰ 24 CFR § 5.309

¹¹ 24 CFR § 960.707(a)

¹² 24 CFR § 5.315(b)

including by lease modification.¹³ Further, the PHA must not include any provisions in the lease that prohibit tenants from owning or keeping pets.¹⁴

3.1.2 General Occupancy Developments

Pet ownership in general occupancy developments is subject to a PHA's reasonable requirements. Thus, PHAs must establish pet policies according to HUD requirements in general occupancy developments.¹⁵

3.2 Tenant Input and Notice

3.2.1 Elderly/Disabled Developments

PHAs that choose to establish pet rules in elderly/disabled developments must consult with tenants in establishing and amending pet rules. PHAs must develop the specific procedures governing tenant consultation, and the procedures must allow tenants (or tenant councils) adequate opportunity to review and comment on the pet rules before they take effect. While PHAs are solely responsible for the content of the final pet rules, they must consider tenant comments. Once the final rules have been established, PHAs must send a copy to the local HUD field office as well as summaries or copies of all tenant comments received during the tenant consultation.¹⁶

Notice to Tenants

During the development of pet rules, PHAs must notify all tenants in writing stating that:

- Tenants are permitted to own and keep common household pets in their units, in accordance with the duly established pet rules;
- Tenants may request a copy of any current or proposed pet rules or amendments at any time;
- Tenants may request that their leases be amended to permit common household pets; and
- Animals that are used to assist persons with disabilities are excluded from the pet rules.¹⁷

Additionally, when offering an applicant a unit, PHAs must provide written notice stating that 1) tenants are permitted to own and keep common household pets in their units in accordance with any duly established pet rules; 2) tenants may request a copy of any current or proposed pet rules or amendments at any time; and 3) animals used to assist persons with disabilities are excluded from the pet rules.¹⁸

Lease Provisions

In elderly/disabled developments where the PHA has established pet rules, the lease must:

- state that tenants are permitted to keep common household pets in their units, subject to the PHA's pet rules;
- incorporate by reference the established pet rules;
- provide that the tenant agrees to comply with the pet rules; and

¹³ 24 CFR § 5.315(b)(3)

¹⁴ 24 CFR § 5.321(b)

¹⁵ 24 CFR Part 960, Subpart G

¹⁶ 24 CFR § 5.380

¹⁷ 24 CFR § 5.312(a)

¹⁸ 24 CFR § 5.312(b)

- state that violation of the rules may be grounds for removal of the pet and/or termination of the pet owner's tenancy.¹⁹

In elderly/disabled developments where a PHA has not established pet rules, the lease must state that owning and keeping pets will be subject to the general obligations imposed on the PHA and tenants in the lease as well as any applicable State or local law or regulations governing pet ownership in residences.²⁰

3.2.2 General Occupancy Developments

PHAs must include their pet policies for general occupancy developments as part of the policies established in the PHA Annual Plan as provided in 24 CFR Part 903 making the policies subject to public hearing, Resident Advisory Board consultation and HUD review requirements.²¹ Thus, the PHA must engage tenants and consider feedback on existing or proposed pet policies or amendments as part of the PHA's planning process.²²

3.2.3 Effective Communication and Limited English Proficiency Requirements

PHAs must take appropriate steps to ensure effective communication for persons with disabilities.²³ PHAs must provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, and sign language interpreters.²⁴ PHAs must also take reasonable steps to ensure meaningful access to their programs and activities to individuals with limited English proficiency.²⁵

3.3 Establishing Reasonable Requirements

The statutes and regulations governing pet ownership in Public Housing identify several factors PHAs may consider when establishing pet rules or policies as discussed below. However, PHAs may consider factors and establish rules or policies beyond those identified. In all instances, they must be reasonable and developed with tenant input as required.²⁶

Where PHAs have discretion in developing pet rules or policies, they should 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
- Drawn narrowly to achieve the PHA's legitimate interests, without imposing unnecessary burdens and restrictions on pet owners and prospective pet owners.²⁷

¹⁹ 24 CFR § 5.321(a)

²⁰ 24 CFR § 5.321(b)

²¹ 24 CFR § 960.707(e)

²² 24 CFR §§ 903.13, 903.17, 903.21

²³ 24 CFR § 8.6

²⁴ 24 CFR § 8.6

²⁵ 28 CFR § 42.405(d)(1); Title VI of the Civil Rights Act of 1964 requires recipients of Federal financial assistance to take reasonable steps to make their programs, service, and activities accessible by eligible persons with limited English proficiency.

²⁶ 12 U.S.C.A § 1701r-1; 42 U.S.C.A § 1437z-3; 24 CFR §§ 5.315 and 5.318; 24 CFR 960.707

²⁷ 24 CFR § 5.315(c)(1)

Additionally, where a PHA has discretion to prescribe pet rules or policies, the PHA may vary the content among and within individual developments, based on factors such as the size, type, location, and occupancy of the development or its units. 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.²⁸

3.3.1 Elderly/Disabled Developments

When establishing pet rules in elderly/disabled developments, PHA's may consider the following:²⁹

- **Tenant and Pet Density.** Tenant and pet density may be considered by placing reasonable limitations on the number of pets allowed in each unit. In the case of group homes³⁰, the pet rules may place reasonable limitations on the number of pets allowed in each home.
- **Size, Weight, and Type of Pets.** Reasonable limitations may be placed on the size, weight, and type of pets allowed.
- **Pet Deposits.** Tenants 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. 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.

For Public Housing programs, 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.³¹

- **Pet Care and Handling.** 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 control noise and odor caused by a pet or to appropriately restrain a pet when a maintenance worker needs to enter a unit.

PHAs cannot require pet owners to have any pet's vocal cords removed. Similarly, HUD's position on cat declawing³² 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.

- **Pet Licensing and Registration.** Pet owners may be required to license their pets in accordance with applicable State and local laws and regulations. Failure of the pet rules to contain this

²⁸ 24 CFR § 5.315(c)(2); 24 CFR § 960.707(a)(2), (b)

²⁹ 24 CFR § 5.318(b)-(g)

³⁰ "Group home" means a dwelling or dwelling unit for the exclusive residential use of elderly persons or persons with disabilities who are not capable of living completely independently and who require a planned program of continual supportive services or supervision (other than continual nursing, medical or psychiatric care). 24 CFR § 5.318(b)(2)(ii)

³¹ 24 CFR § 5.318(d)

³² See The American Society for the Prevention of Cruelty to Animals' policy and position statement: <https://www.aspc.org/about-us/aspc-policy-and-position-statements/position-statement-declawing-cats>

requirement does not relieve the pet owner of responsibility for complying with applicable State and local pet licensing requirements.

- **Designated Pet Areas.** PHAs may designate buildings, floors of buildings, or sections of buildings as no-pet 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 direct such initial tenant moves as may be necessary to establish pet and no-pet areas. The PHA cannot refuse to admit, or delay admission of, an applicant for tenancy on the grounds that the applicant's admission would violate a pet or no-pet area. The PHA may adjust the pet and no-pet areas and/or may direct such additional moves as necessary to accommodate such prospective tenants or to meet the changing needs of existing tenants.

- **Temporary Pets.** PHA pet rules may exclude pets not owned by a tenant to be 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.
- **Nuisance or Threat.** 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.³³
- **Other Requirements.** PHAs have discretion to consider additional factors if reasonable and consistent with State or local law.³⁴

3.3.2 General Occupancy Developments

HUD regulations permit public housing tenants to own or have pets subject to the PHA’s reasonable requirements if pet owners maintain each pet responsibly and in accordance with State and local public health, animal control and anti-cruelty laws as well as the PHA’s duly established pet policies. It is within the PHA’s discretion to define “responsibly.” A PHA’s reasonable requirements for pet policies in general occupancy developments may include but are not limited to:³⁵

- **Tenant and Pet Density.** PHAs may place limitations on the number of pets in a unit based on unit size. The pet policies may also place restrictions or prohibitions based on size and type of building or development, or other relevant conditions
- **Size, Weight, and Type of Pets.** PHAs may place prohibitions on types of pets it classifies as dangerous, provided that such classifications are consistent with applicable State and local law. The

³³ 24 CFR § 5.327

³⁴ 24 CFR §§ 5.315(c)-(d)

³⁵ 24 CFR § 960.707(b), 5.318(b)-(g)

pet policies also may place prohibitions on individual pets, based on certain factors, including the size and weight of pets.

- **Pet Fees and Deposits.** PHAs may require that tenants pay 1) a nonrefundable nominal fee to cover the reasonable operating costs to the property relating to presence of pets, 2) a refundable pet deposit to cover additional costs attributable to the pet and not otherwise covered, such as damages to the unit, or 3) both.

A PHA that requires a pet deposit must place the deposit in a proper account as required under applicable State or local law for pet deposits. If no State or local law exists regarding pet deposits, the PHA must place the pet deposit in the proper account required for rental security deposits, if applicable. The PHA must comply with relevant laws as to retention of the deposit, interest, and return of the deposit and any other applicable requirements.

- **Pet Care and Handling.** Pet owners must maintain each pet in accordance with applicable State and local animal control and anti-cruelty laws which provide the relevant guidance in each jurisdiction concerning animal welfare. PHAs may require pet owners to have their pets spayed or neutered.

A PHA cannot require pet owners to have any pet's vocal cords removed. Similarly, HUD's position on cat declawing³⁶ 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.

- **Pet Registration.** PHAs may require registration of the pet with the PHA. This may be in addition to applicable State or local laws concerning pet licensing and registration.
- **Other Requirements.** PHAs have discretion to consider additional factors if reasonable and consistent with State or local law.³⁷ However, PHAs may not apply such requirements to assistance animals that are inconsistent with the requirements of the Fair Housing Act or Section 504 of the Rehabilitation Act.

³⁶ See The American Society for the Prevention of Cruelty to Animals' policy and position statement: <https://www.aspca.org/about-us/aspca-policy-and-position-statements/position-statement-declawing-cats>

³⁷ 24 CFR § 960.707

4 Comparison of Pet Ownership Requirements for Elderly/Disabled and General Occupancy Developments

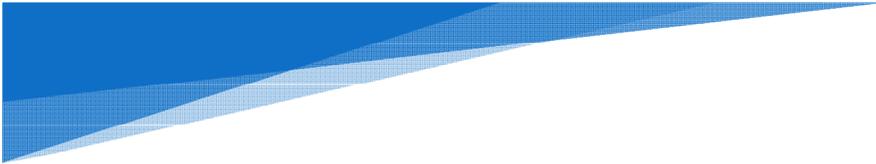
For practical purposes, PHAs may establish similar requirements for both elderly/disabled and general occupancy developments. A general summary and comparison of the requirements for both types of developments follow.

Factors	Elderly/Disabled Developments³⁸	General Occupancy Developments³⁹
Discretion to establish pet rules or policy	May choose whether to establish pet rules. If no rules, PHA must state in lease that owning/keeping pets will be subject to general obligations imposed in the lease as well as applicable State and local laws.	PHAs must establish a pet policy.
Consistency with State and local law	Must be consistent with applicable State and local laws.	Must be consistent with applicable State and local laws.
Tenant Participation	Must consult with tenants and develop specific procedures governing tenant consultation.	Must establish policies as part of the Annual Plan process and engage tenants accordingly.
Definition of Common Household Pet	Defined by the PHA.	Defined by the PHA.
Pet Density	May limit number of pets per unit.	May limit number of pets per unit.
Size, Weight, and Type of Pets	May limit size, weight, and type of pets.	May limit size, weight, and type of pets.
Pet Care, Handling & Maintenance	May prescribe standards of pet care and handling and require owner to control noise and odor caused by pet.	Pet owners must maintain pets in accordance with State and local animal and anti-cruelty laws. PHAs may require pets be spayed or neutered.
Pet Licensing and Registration	May require pet owners to license pets.	May require pet owners to register pets.
Pet Fees and Deposits	May require a refundable pet deposit which may be accumulated gradually.	May require 1) nonrefundable nominal fee, or 2) refundable pet deposit, or 3) both.
Designated Pet Areas	May designate pet and no-pet areas.	Restrict or prohibit based on size and type of building or project.
Temporary Pets	May exclude temporary pets.	Discretion to prescribe reasonable requirements.
Removal of Vocal Cords	May not require pet owner to have any pet's vocal cords removed.	May not require pet owner to have any pet's vocal cords removed.
Assistance Animals	Not subject to pet rules or policies.	Not subject to pet rules or policies.

³⁸ 24 CFR §§ 5.312, 5.315, 5.318

³⁹ 24 CFR § 960.707

Sample PHA Practices



Sample PHA Practices for Pet Rules or Policies

- PHA definitions of “common household pets” typically include domesticated animals kept in the home for pleasure, but not for commercial purposes (e.g., cats, dogs, fish, and birds). Many PHAs do not permit reptiles, insects (e.g., ant farms) or arachnids (e.g., tarantulas) as “common household pets.”
- 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.
- When calculating the pet deposit, PHAs typically consider the pet’s size and potential for damaging PHA property. For example, a PHA would charge the owner of a hamster less than it would charge a family with a large dog.
- Subject to local laws, a PHA may require that dogs be kept on a leash and controlled by a responsible individual when taken outside the unit.
- 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.