



400 North Columbus Street
Suite 203
Alexandria, VA 22314
(703) 683-8630
(703) 683-8634 FAX
www.nahma.org

December 13, 2007

Regulations Division, Office of General Counsel
U.S. Department of Housing and Urban Development
451 Seventh Street, SW
Room 10276
Washington, DC 20410-0500

**RE: Pet Ownership for the Elderly and Persons with Disabilities, Proposed Rule
Docket No. FR-5127-P-01
RIN 2501-AD31**

Dear Sir or Madam:

The National Affordable Housing Management Association (NAHMA) is a trade association which represents management agents and owners involved in federal rental assistance programs. Executives of property management companies, owners of affordable rental housing, public agencies and vendors that serve the affordable housing industry constitute our membership.

Having reviewed the proposed rule, "Pet Ownership for the Elderly and Persons with Disabilities," NAHMA respectfully submits these comments in opposition. We believe the proposed rule unnecessarily broadens pet policies in privately-owned assisted housing. Furthermore, the proposed rule removes key elements of policies affordable housing operators have used to successfully balance the rights of elderly and disabled tenants who require service animals with the rights of other tenants and owners.

We understand that the rule seeks to conform regulations governing pet ownership in projects for the elderly or persons with disabilities found in 24 CFR part 5, subpart C to the regulations governing pet ownership in public housing found in 24 CFR part 960, subpart G. The proposed rule characterizes these changes as "minor revisions to [24CFR] Sec. 5.303." The changes described in the *Federal Register*:

- o Broaden the functions of assistance animals to state that the exclusion applies to animals that "assist, support, or provide service to persons with disabilities;"
- o State that project owners and PHAs may not apply or enforce any policies established under 24 CFR Part 5 Subpart C against animals that are necessary as a reasonable accommodation to assist, support, or provide service to persons with disabilities; and
- o Remove the tenant certification and animal training requirements in Sec. 5.303(a)(1)(i)-(iii).

For purposes of clarification, the exact language in 24 CFR Sec. 5.303(a)(1)(i)-(iii) which establishes the tenant certification and animal training requirements HUD now proposes to remove states:

"1) A project owner may require resident animals to qualify for this exclusion. Project owners must grant this exclusion if:

- (i) The tenant or prospective tenant certifies in writing that the tenant or a member of his or her family is a person with a disability;

PROTECTING THE INTERESTS OF AFFORDABLE HOUSING PROPERTY MANAGERS AND OWNERS

- (ii) The animal has been trained to assist persons with that specific disability; and
- (iii) The animal actually assists the person with a disability.”

We are unmoved by the Department’s statement that removing the training and certification requirements in Section 5.303 “...is likely to decrease the administrative burden on project owners to process assistance animal certifications.” In fact, our members have found these requirements quite helpful in creating a careful balance to provide reasonable accommodations for tenants who need service animals, maintain the cleanliness of the property and ensure other tenants’ rights to peaceful enjoyment of the premises. NAHMA would prefer that the training and certification requirements remain in place.

NAHMA strongly objects to prohibiting housing operators from applying or enforcing any policies established in Subpart C of the regulation against animals that are considered a reasonable accommodation to assist, support or provide service to persons with disabilities. We firmly believe owners should have the right to establish reasonable rules for assistive animals which simultaneously:

- o Meet the needs of disabled residents;
- o Protect the health, safety and peaceful enjoyment rights of all tenants; and
- o Safeguard the physical and sanitary conditions on the property.

Likewise, our members are extremely concerned that the proposed rule creates a loophole to circumvent existing pet ownership rules such as pet deposit requirements, limitations on the animal’s size, and restrictions on the number of animals per household. To prevent abuse of the assistive animal exclusion, it is absolutely imperative that housing providers have a stated and explicit right in the regulations to verify the nexus between a disability and the need for an assistive animal.

In closing, NAHMA respectfully restates our opposition to this proposed rule. We noted with interest the proposed rule is intended to provide uniformity in HUD’s regulations. Some of our members have suggested a preferred way to conform the regulations would allow public housing agencies greater leeway to apply and enforce restrictions on pet ownership. We urge the Department not to implement these proposed changes, and we would most adamantly oppose extending them to Section 8 family properties.

Sincerely,



Kris Cook, CAE
Executive Director