

Part Eight: Special Occupancy Situations

I. Overview

Refer To:
§966.7

- A. Following are additional policies for residents with a verified need for a service animal, for residents of public housing properties where pets are allowed, for police officers living in public housing units, and other special occupancy situations.

II. Special Programs To Assist Tenant Lease Compliance

- A. **Summary and Purpose of Programs:** Participants in special programs that operate on PHA premises will receive necessary assistance that enables them to comply with the PHA's Dwelling Lease.

B. Special Programs' Eligibility Criteria:

1. **General Eligibility:** Applicants for any of the special programs must meet the PHA's general eligibility criteria set forth in Part One of these Admission and Occupancy Policies.
2. **Additional Eligibility Requirements:** Each special housing program has its own specific eligibility requirements. Unless specifically addressed in this section, tenants participating in special programs shall be governed by the same policies that are established in this document and that govern all PHA tenants.
3. **Current Tenants:** Current PHA tenants in any building, as well as applicants for public housing, may apply to participate in these programs by submitting an application directly to the administering agency. Some special programs are limited to designated developments, and current PHA tenants who live elsewhere must transfer as a condition of participation.

C. Status Within the Public Housing Program:

1. **Applicant Preference/Priority:** An applicant who is found to be eligible and is approved for one of the special housing programs will be given a Local Preference. §960.211(B)
(2)

2. **Tenant Transfers:** Transfers to permit public housing tenants to participate in a special housing program will be subject to the approval of the Rental Administrator and the administrator of the special program.

3. **Ineligibility for Special Program; Level of Need for Services:**

§960.205(b)

- a. An applicant who is found to be ineligible for one of the special housing programs, because the applicant's needs for services exceed the amount and type of services available in the program, will be considered for admission to or continued occupancy in the regular public housing program based on the specific circumstances, without regard to the special housing determination.
- b. An applicant who is found to be ineligible for admission to one of the special housing programs, because the level of need for services is not great enough to warrant admission, or whose service needs can be satisfactorily met by using other available resources, will be considered for admission to or continued occupancy in the regular public housing program based on the specific circumstances, without regard to the special housing determination.
- c. The PHA's general eligibility criteria must be met, as set forth in Part 1 of these Admission and Occupancy Policies.

III. **PHA Employees Required To Live In Public Housing**

A. Non-Resident Status: Persons who are hired as PHA employees and who must live in public housing as a condition of employment, such as Resident Caretakers, are not considered public housing tenants. They are not subject to the same requirements and do not have the same rights as public housing tenants.

B. Other Conditions:

1. They do not have to qualify as a Lower Income family.
2. They are not subject to the PHA's Tenant Selection Procedures. However, the PHA will perform a criminal history check on such employees and adult members of their households before they are approved to live in a public housing

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unit.

3. If they are required to pay rent, the rent is set at a reasonable level by the PHA. The formula for Total Tenant Payment is not applicable.
4. They are not subject to HUD lease and grievance provisions.
5. They will be required to move out of public housing if their employment is terminated, or if a change in job duties no longer requires they live in public housing as a condition of employment.
6. They are not voting members of the Resident Council.

IV. Officer In Residence Program: The PHA will provide housing to police officers and their families in cooperation with the Saint James Police Department, under a plan approved by HUD. 24 C.F.R. §960.505.

A. Non-Resident Status: Participants in the Officer in Residence Program are not considered public housing residents. They are not subject to the same requirements and do not have the same rights as public housing residents.

B. Other Conditions:

1. They do not have to qualify as a Lower Income Family.
2. They are not subject to the PHA's Tenant Selection procedures. However, the PHA will perform a criminal history check on participating officers and adult members of their households before they are approved to live in a public housing unit.
3. If they are required to pay rent, the rent is set at a reasonable level by the PHA. The formula for Total Tenant Payment is not applicable.
4. They are not subject to HUD lease and grievance provisions.
5. They will be required to move out of public housing if their employment with the Saint Paul Police Department is terminated, or if a change in their work assignments makes them unable to fulfill the conditions of the Officer in Residence.

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6. They are not voting members of the Resident Council.

V. Resident/Applicant Employees: Public housing applicants and tenants may apply for, and be employed by, the Saint James PHA. Their status as housing applicants or tenants is not affected by their PHA employment.

A. Admission Requirements: Public housing applicants who work for, or who have been notified that they have been hired to work for the PHA, are subject to the same admission requirements as other applicants:

1. PHA employment will not be a condition of their admission to public housing.
2. The salary they receive for their PHA employment will be counted as income in determining their financial eligibility for public housing. *(See Part One, Section III. B.7. for exceptions for tenants participating in HUD approved employment training programs).*
3. They will not be given a selection preference based on their willingness to work for the PHA.

B. Occupancy Requirements: Public housing tenants who work for the PHA are subject to all of the occupancy requirements, and have all the same rights and responsibilities as other public housing tenants:

1. PHA employment will not be a condition of their tenancy.
2. The salary they receive for their PHA employment will be counted as income in computing their rent, unless it is specifically exempted during a training period.
3. The PHA will not reduce the tenant-employee's rent amount as compensation for their employment.
4. Tenant-employees are required to report all income changes to their Housing Manager. The PHA will not assume this responsibility, and will take appropriate action for failure to report as required.

§5.300

VI. St. James HRA Policy on Animals: One cat/dog (over 1 year old, under 30 lbs at full growth) maximum per household. An

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aquarium or terrarium over 10 gallons is considered one pet. All pets must be registered with the PHA.

VII. Assistance/Service/Therapy Animals: Assistance animals are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, or that provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals perform many disability-related functions, including but not limited to the following:

- Guiding individuals who are blind or have low vision
- Alerting individuals who are deaf or hearing impaired
- Providing minimal protection or rescue assistance
- Pulling a wheelchair
- Fetching items
- Alerting persons to impending seizures
- Providing emotional support to persons with disabilities who have a disability-related need for such support

Every handicapped or disabled applicant or tenant who has a verified need for a service or therapy animal will be entitled to full and equal access to all types of housing accommodations owned and operated by the PHA. (See Appendix F.).

A. Approval of Assistance Animals

A person with a disability is not automatically entitled to have an assistance/service/therapy animal. Reasonable accommodation requires that there is a relationship between the person's disability and his or her need for the animal.

A PHA may not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. The question is whether or not the animal performs the assistance or provides the benefit needed by the person with the disability.

PHA's have the authority to regulate assistance animals under applicable federal, state and local law [24 CFR 5.303(b)(3); 960.705(b)(3)].

B. Assistance/Service/Therapy Animal's Owner Responsibilities:

1. The owner of a service or therapy animal shall also have the responsibility to maintain the premises used by the animal and clean up after the animal.
2. A dog used as a service or therapy animal must be under the owner's control at all times and it must be kept on a leash or harness when it is outside of a tenants apartment or house.
3. The owner shall also be liable for all damages done to the premises by such a service or therapy animal.
4. The owner must provide appropriate documentation that the animal is a service or therapy animal.
5. When a work order has been requested the pet/therapy animal must be kenneled or under the tenant's control.

C. Deposit Required: A resident does not have to pay the non-refundable pet fee for an **assistance/service/therapy animal**.

D. Licensing, Shots Required: The PHA requires an applicant or resident who owns a service or therapy animal to provide evidence that the animal is properly licensed (required by the City of Saint James) and has all required shots and vaccinations documented by Veterinarian records.

VIII. Pets Kept By Public Housing Residents

A. Registration of Pets must be registered with the PHA before they are brought onto the premises. Registration includes documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest-free. This registration must be renewed annually and will be coordinated with the annual reexamination date. Pets will not be approved to reside in a unit until completion of the registration requirements.

- B. The PHA will refuse to register a pet if:
- The pet is not a common household pet as defined in section D below.
 - Keeping the pet would violate any pet restrictions listed in this policy
 - The pet owner fails to provide complete pet registration

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information, or fails to update the registration annually

- The applicant has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order
- The PHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

If the PHA refuses to register a pet, a written notification will be sent to the pet owner within 5 business days of the PHA's decision. The notice will state the reason for refusing to register the pet and will inform the family of their right to appeal the decision in accordance with the PHA's grievance procedures.

C. **Pets Permitted:** Limit (1) One of one of the following pets may be kept by tenants of any St. James Public Housing development: §5.300

1. Dogs – one year or older, already housebroken, spayed or neutered, not to exceed 30 pounds at full grown weight, and licensed in accordance with state and local law. Any full breed or mix of Pit Bull, Rottweiler, Chow or Boxer breeds are not allowed.
2. Cats – one year or older, spayed or neutered, litter box trained and declawed (only front claws are required to be removed).
3. Fish kept in a 10 gallon tank or less will not require the \$150 non-refundable pet fee. More than a 10 gallon tank will require the \$150 non-refundable fee.
4. Service animals for tenants with a verified need are not considered pets and are permitted, as explained in section VII, above.

D. **Prohibited Pets:** Only animals that are specifically included in the list of permitted pets are allowed. Wild, undomesticated, vicious, destructive or uncontrollable animals of any and all types are not permitted in any St. James Public Housing development. No animals may be kept which are specifically prohibited by City Ordinance.

1. Hoofed animals
2. Animals under a year in age; no puppies or kittens
3. Rabbits or mink or rodents (mice, hamsters, gerbils, rats, guinea pigs, etc.)

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4. Any bird, pigeons, chickens or other fowl
5. Reptiles
6. Bees, any insect or arachnid
7. Wild or exotic animals

E. Non-Refundable Pet Fee Required: A resident is required to pay a non-refundable pet fee of \$150.00 for a dog, cat or an aquarium over 10 gallons.

F. Licensing, Shots Required: The PHA requires an applicant or resident who owns a dog or cat or acquires a dog or cat to provide evidence that the animal is properly licensed (required by the City of St. James) and has all required shots and vaccinations documented by Veterinarian records.

Pet Owner Responsibilities:

1. The owner of a dog or cat shall also have the responsibility to maintain the premises used by the dog or cat and clean up after the dog or cat.

- LITTER BOXES should be kept sanitary.
- Waste litter should be bagged securely and placed in dumpster.
- Litter should never be flushed down a toilet or drain.
- Litter boxes are to be kept inside the residence's dwelling unit.
- The DESIGNATED PET AREA for exercise and to permit pet's to eliminate waste for Park Apartments is on the west (back) side of the building.
- Dog feces must be placed in sealed plastic bags and placed in dumpster. If the PHA staff is called upon to remove feces, a \$25 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

2. A dog or cat must be under the owner's control at all times, when outside of the unit it must be carried or on a leash or harness and it must be kept on a leash or harness when it is outdoors. No animal can be tethered or chained inside or outside the dwelling unit.

3. The owner shall also be liable for all damages done to the premises by the dog, cat, and aquarium. This includes the cost of flea elimination should the need for fumigation be required.

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4. Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities. If noise persists a tenant will be required to purchase a bark collar.
5. Pet/therapy animal must be in a kennel or under the tenant's control when there is an inspection or work order being completed.

Pet Rule Violations

PHA Policy

All complaints of cruelty and all dog bites will be referred to animal control or an applicable agency for investigation and enforcement.

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice will be served.

The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

- That the pet owner has 5 business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation
- That the pet owner is entitled to be accompanied by another person of his or her choice at the meeting
- That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy

Notice for Pet Removal

PHA Policy

If the pet owner and the PHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the PHA, the PHA may serve notice to remove the pet.

The notice will contain:

- A brief statement of the factual basis for the PHA's determination of the pet rule that has been violated
- The requirement that the resident /pet owner must remove the pet within 5 calendar days of the notice
- A statement that failure to remove the pet may result in the

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initiation of termination of tenancy procedures

Pet Removal

PHA Policy

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner.

If the responsible party is unwilling or unable to care for the pet, or if the PHA after reasonable efforts cannot contact the responsible party, the PHA may contact the appropriate state or local agency and request the removal of the pet.

Termination of Tenancy

PHA Policy

The PHA may initiate procedures for termination of tenancy based on a pet rule violation if:

- The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified
- The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease

Emergencies

PHA Policy

The PHA will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals.

If it is necessary for the PHA to place the pet in a shelter facility, the cost will be the responsibility of the pet owner.

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

IX. Pets Temporarily on the Premises

- Pets that are not owned by a tenant are not allowed on the premises. This includes pets of visitors to the premises. Residents are prohibited from feeding or harboring stray animals.
- Residents may request approval for a guest to bring in a pet, prior to the pet being brought into the building.

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- This rule does not apply to visiting pet programs sponsored by a humane society or other non-profit organizations, and approved by the PHA.

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