

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 7-181

"Pet Ownernship Nonrestriction Act of 1988".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-63 on first and second readings, July 12, 1988, and September 27, 1988, respectively. Following the signature of the Mayor on October 13, 1988, this legislation was assigned Act No. 7-239, published in the October 28, 1988, edition of the D.C. Register, (Vol. 35 page 7715) and transmitted to Congress on January 23, 1989 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-181, effective March 16, 1989.

  
DAVID A. CLARKE  
Chairman to the Council

Dates Counted During the 30-day Congressional Review Period:

January	24,25,26,27,30,31
February	1,2,3,6,7,8,9,21,22,23,24,27,28
March	1,2,3,6,7,8,9,10,13,14,15

EFFECTIVE DATE MAR 16 1988

enrolled Original

AN ACT

D.C. ACT 7 - 239

Codification,  
New Subchapter,  
II of Chapter  
10 of title 6  
(1989 supp.)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT 13 1988

To prohibit the owners and operators of locally assisted housing accommodations for the elderly or handicapped from restricting the ownership of common household pets by elderly or handicapped persons.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pet Ownership Nonrestriction Act of 1988".

New, Sect  
6-1021

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "District" means the District of Columbia.
- (2) "Elderly" means any person who is 60 years of age or older.
- (3) "Handicapped" means any person who has a medically determined physical impairment, including blindness, which prohibits and incapacitates 75% of that person's ability to move about, to assist himself or herself, or to engage in an occupation.
- (4) "Locally assisted housing accommodation for the elderly or handicapped" means any building that contains 4 or more rental units, receives District housing assistance, and is designated for elderly or handicapped tenants. The term "locally assisted housing accommodation for the elderly or handicapped" shall not include facilities receiving other types of District assistance and licensed under the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Code, sec. 32-1301 et seq.).
- (5) "Common household pet" means a domesticated animal, such as a dog, cat, bird, rodent, fish, or turtle, that is traditionally kept in the home for pleasure rather than for commercial purposes. The term "common household pet" shall not include reptiles, other than turtles.

Sec. 3. Pet ownership policy established.

New, Sect  
6-1022

Notwithstanding any other provision of law, the owner or operator of locally assisted housing accommodations for the elderly or handicapped shall not:

(1) As a condition of tenancy or otherwise, prohibit or prevent an elderly or handicapped tenant from owning common household pets or keeping common household pets in the rental unit of the tenant; or

(2) Discriminate against any person in connection with admission to, or continued occupancy of, that rental unit by reason of the ownership of common household pets by that person or the presence of common household pets in the rental unit of that person.

Sec. 4. Exception.

(a) Nothing in this act shall be construed to prohibit any owner or operator of a locally assisted housing accommodation for the elderly or handicapped or any local housing authority from requiring the removal from any rental unit any common household pet whose conduct or condition is duly determined to constitute a threat or nuisance to the health or safety of the other occupants of the housing accommodation. The owner or operator of a locally assisted housing accommodation shall regulate pet ownership in accordance with rules established pursuant to section 6.

(b) No pet shall be kept in violation of health statutes or under circumstances constituting cruelty to animals as set forth in section 1 of chapter 106 of the Acts of the Legislative Assembly, adopted August 23, 1871 (D.C. Code 22-801 et seq.).

New, Section  
6-1023

Sec. 5. Civil infractions.

Any person who violates the provisions of this act shall be fined not more than \$300 for each violation. A violation of this act shall be a civil infraction for purposes of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Code, sec. 6-2701 et seq.) ("Civil Infractions Act"). Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this act, or the rules issued under the authority of this act, pursuant to titles I-III of the Civil Infractions Act. Adjudication of any infractions shall be pursuant to titles I-III of the Civil Infractions Act.

New, Section  
6-1024

Sec. 6. Rules.

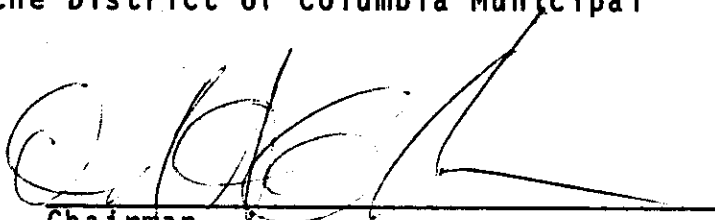
Within 180 days of the effective date of this act, the Mayor shall promulgate proposed rules, in accordance with title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), to carry out the purposes of this act.

New, Section  
6-1025

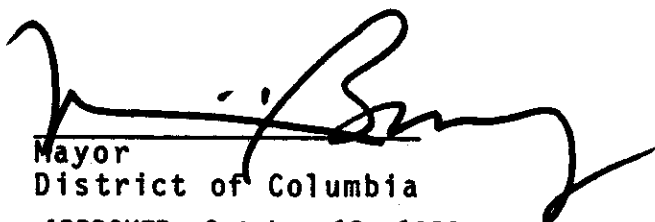
The proposed rules shall include guidelines, applicable to owners and tenants of locally assisted housing accommodations, on keeping common household pets, pet size, types of pets, potential financial obligation of tenants, and standards of pet care. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the regulations, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed approved.

**Sec. 7. Effective Date.**

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: October 13, 1988



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
Council Period Seven

**RECORD OF OFFICIAL COUNCIL VOTE**

DOCKET NO: B7-63

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 7-12-88

VOICE VOTE: Approved

Recorded vote on request

Absent: Thomas and Winter

ROLL CALL VOTE: — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

**CERTIFICATION RECORD**

*Russell Smith*  
Secretary to the Council

9-30-88  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 9-27-88

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

**CERTIFICATION RECORD**

*Russell Smith*  
Secretary to the Council

9-30-88  
Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

**CERTIFICATION RECORD**

Secretary to the Council

Date