Communication from Public

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SCANPH

SOUTHERN CALIFORNIA ASSOCIATION OF NONPROFIT HOUSING

May 7, 2019

Housing Committee
City Council, c/o City Clerk, Room 395
City Hall, 200 North Spring Street
Los Angeles, CA 90012-4801

Re: [Buildings Built with Public Financing / Permit Pet Ownership by Residents: Council File # 18-0350]

Dear Members of the Committee:

On Wednesday, May 8, 2019, the housing committee will hear the City Attorney report and Ordinance relative to adding Article 17 to Chapter IV of the Los Angeles Municipal Code to allow tenants to possess pets in publicly-financed rental housing developments. On August 14, 2018, SCANPH submitted its comment letter expressing concerns our members have about the proposed ordinance. We recognize and appreciate the City incorporating many of our members' concerns in the current ordinance; however, we acknowledge the City did not follow through with its commitment to work with stakeholders as instructed in the motion. For this this reason, SCANPH opposes the current ordinance. Before the committee votes to approve the ordinance, we encourage the City to consider two things: 1) amend the ordinance to clarify an effective date and to specifically mention that the ordinance is to be applied on a going forward basis, not retroactively; 2) convene a public stakeholder working group that includes SCANPH members and consider incorporating our concerns not already included in the ordinance as listed in our comment letter below:

SCANPH's Comment Letter (August 14, 2018)

The Los Angeles City Council recently introduced a motion (Council File # 18-0350) instructing the Department of Animal Services to work with interested parties to develop pet policies for regulating the allowance of pets in publicly-financed affordable housing buildings. We are writing to encourage the Housing Committee to review this proposal to ensure that a comprehensive policy is adopted. Allowing pets in subsidized housing, while beneficial to some residents, has implications for other non-pet owning tenants and for building operations.

As Southern California's regional advocacy organization representing over 250 affordable housing developers, the Southern California Association of Nonprofit Housing (SCANPH) understands well the obstacles residents of affordable housing face when seeking or trying to maintain affordable housing.

Our members understand that owning a pet while being housed can be very important for improving the overall health and well-being of an individual. For this reason, many of our developers currently allow companion animals. However, introducing a policy that would require

developers to allow pets can also create some concerns for developers and neighboring residents and their families who may be affected by the presence of these animals.

For example, there are many residents who do not want to live next to a neighbor with a pet and an applicant can refuse an available unit next to a tenant that has a pet. So housing relinquishment and/or barriers may work both ways - either due to having a pet that is not allowed, or not wanting to live near a pet that is required to be allowed. Some residents have a fear of pets; some have health issues regarding pets such as allergies; and pets can at times bite or scratch other residents, including children, or may cause older/frail adults to fall.

In addition, people experiencing homelessness often have pets and sometimes refuse housing because pets are not allowed. To encourage them to seek and accept housing placement, it is crucial the city works with SCANPH and other interested parties to adopt a policy that addresses these concerns and considers building operations and costs associated. Funds spent on pet policies and administration could otherwise be invested in producing more sorely needed affordable homes.

Below, SCANPH highlights some additional concerns from developers and asks that the council consider these prior to considering the motion.

<u>DEVELOPER CONCERNS:</u>

- **Effect on other residents of affordable housing without pets:**
    - The housing of pets in multifamily residences is often likely to lead to infestations of fleas. This, and the effect that pets have on residents who are allergic to them, may have the effect of creating substandard living conditions and may deter some prospective tenants from residing in housing with pets.

- **Already required to allow Service and companion animals**
    - Federal mandate: FR-4437-F-02
    - HCD requirement: AB 1137

- **Requiring that affordable housing developers allow pets is a significant expansion of existing policy:**
    - **Allowing pets should be the decision of the individual property owner**:
        - The regulation should not be a blanket, one-size-fits-all mandate.

- **Broad discretionary powers should be given to developers to develop the guidelines:**
    - This is necessary in order to protect residents in developments.

- **The last paragraph of the Motion is vague in regard to "guiding" building owners:**
    - Working out the details seems to occur only after the Motion is approved. Pet policies typically include restrictions in regard to size of pet, type of pet, number of pets, vaccinations, cleaning up after pets, restraint of pets in the common areas, etc. These issues could be controversial so it would be best decided prior to approving a Motion.

<u>POTENTIAL IMPACT</u>

- **The motion might create more liability for the City:**
    - The Motion addresses pets, not service or companion animals which are already required to be allowed. In our experience the pet issue is not a simple one and is often problematic from a management, liability, and insurance perspective. If the City is the entity requiring pets, this might open the City up to greater liability.

- **Effect on operating costs:**
    - We are concerned that the increased maintenance and insurance costs for housing animals will create a burden on the creation and continued operation of affordable housing. Increased operating expenses will

drive down the amount of debt a project can carry and create gaps in financing, which is counter-productive to the City of Los Angeles' current goal of housing 10,000 homeless households in ten years. Increased operating costs associated with this policy may also threaten the long-term feasibility of affordable housing projects.

RECOMMENDATIONS

- **Council require a report back from HCID and animal welfare committee about implementation considerations of the policy.**
    - The report should include information gathered from affordable housing developers and homeless service providers about the effects of a pet policy on building operations and residents.
    - The report should outline policy implementation recommendations based on stakeholder feedback. **Report should include consideration of the elements to be covered in a pet policy.**

- **Include definition of "pet":**
    - The regulation requiring developers to allow pets must be general and must include a definition for "pet."

- **Pet size, species and breed, health, and resident ownership history:**
    - Should the City adopt a policy that requires pets be allowed in City funded affordable housing that they fund, we would request that the policy take into consideration several aspects of the animal and owner in question.
        - **Size:** the size of the pet allowed should be restricted by the size of the apartment rented.
        - **Species and Breed:** HCID should consider whether certain species and breeds of animal are deemed to have features or temperament that would not be conducive to the safety of residents of the apartment community.
        - **Health:** residents should be required to provide proof that their pets are up to date with all required immunizations and that the pets are kept in a healthy and humane way.
        - **Ownership History:** A policy that allows residents to keep pets should allow action by the owner or property management agent should the resident abuse, neglect, or show a recurring pattern of another inability to adequately care for the pet.

- **Reasonable Accommodation should exists**:
    - This means that if the Resident wants to have a pet, a Reasonable Accommodation form should be completed and submitted to management for approval or denial. This makes residents accountable and responsible to their Pets.

- **Lease rules:**
    - We would ask that any policy that is approved allow tenant leases to:
        - Require a pet deposit to insure that any increased maintenance costs are covered.
        - Require prior consent of property management.
        - Include language that pets may not cause any disturbance that might reasonably annoy neighbors.
        - Require that any damage caused by the pets be the responsibility of the pet owner to repair or they will be charged for it.
        - Indemnify the property owner for any damage or injury caused by the pet.

SCANPH believes these regulations, if amended, could have a positive impact for affordable housing developers, residents, and their families. Therefore, we urge the Los Angeles City Council Housing Committee to hear and consider this agenda item rather than waive its review in order to ensure our developers and resident concerns are considered and addressed.

Sincerely,

Valerie Acevedo
Policy Coordinator
The Southern California Association of NonProfit Housing