

RESOLUTION 2022-11
Amending Pet Policy

WHEREAS, the Colville Indian Housing Authority is the duly constituted Housing Authority for the Confederated Tribes of the Colville Reservation, established by the Colville Business Council pursuant to the authority of the Constitution of the Colville Confederated Tribes, and in particular Article V, Section 1(a); and,

WHEREAS, the authorities and responsibilities of the Colville Indian Housing Authority are set out in the Colville Tribal Housing Authority Ordinance, adopted by Resolution 2007-651 of the Business Council; and,

WHEREAS, the purposes for which the Colville Indian Housing Authority was established include: (1) remedying unsafe and unsanitary housing conditions that are injurious to the public health, safety, and morals; (2) alleviating the acute shortage of decent, safe, and sanitary dwellings for persons of low income; and (3) providing employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operation of low income dwellings; and,

WHEREAS, the Colville Indian Housing Authority has been designated as the "Tribally Designated Housing Entity" for the Confederated Tribes of the Colville Reservation, as that term is defined at Section 4(21) of the Native American Housing Assistance and Self-Determination Act of 1996, P.L. 104-330 (25 U.S.C. 4101- 4212}, as amended ("NAHASDA"); and,

WHEREAS, the Business Council has appointed a Board of Commissioners to manage the Colville Indian Housing Authority (the "Board"), which Board operates pursuant to a Constitution and By-laws enacted by the Board on August 10, 2004 (as amended); and,

WHEREAS, the Board has enacted and from time-to-time has amended the Pet Policy and as a result of that recommendations made by management, has determined that it is necessary to revise and update the Pet Policy to better meet health, safety and management needs of the housing authority; and

WHEREAS, the Colville Indian Housing Authority management team has conferred with the Housing Authority's legal counsel to amend and update the Pet Policy, which amendments are represented on the strikeout/underline copy of the Pet Policy attached as Exhibit A to this Resolution; and

WHEREAS, the Board has determined that adopting the draft proposed amendments to the Pet Policy is in the best interest of the Colville Indian Housing Authority;

NOW, THEREFORE, BE IT RESOLVED, that the Colville Indian Housing Authority Board hereby approves and adopts the proposed amendments to the Pet Policy, which amendments are represented on the strikeout/underline copy of the Pet Policy attached as Exhibit A to this Resolution; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, the amended version of the Colville Indian Housing Authority's Pet Policy attached as Exhibit A hereby supersedes and replaces any prior versions of said Policy.

CERTIFICATION


This is to certify that the foregoing was duly enacted, pursuant to Article V of the Colville Tribal Ordinance, ratified on January 27, 1977, at a regular meeting of the Colville Indian Housing Authority Board of Commissioners, held on April 28, 2022, a quorum being present, with a vote of 3 FOR; 0 AGAINST, and 0 ABSTAINED.

BY:



Brian Nissen, Chairman
Board of Commissioners

ATTEST:



Storey Jackson, Secretary/Treasurer
Board of Commissioners

PET POLICY

Purpose: To set out the requirements for tenants and homebuyers who want to have pets, and to stress to all CIHA tenants that the CCT Law & Order Code, Chapter 6-9, Animal Control and Protection, Dog Control shall be enforced. A copy of this provision of the Code is attached.

Scope: This Policy sets out the terms and conditions for keeping pets in CIHA Premises to ensure that all CIHA Residents maintain their Premises and associated facilities in a decent, safe, and sanitary manner, and do not threaten or unduly interfere with the health, safety, and peaceful enjoyment of other CIHA residents and CIHA staff. This Policy is designed to permit reasonable ownership of pets. This Policy applies to all residents of CIHA housing who wish to keep common household pets in their units or on their Premises. The Dog Control Code enacted by the Colville Confederated Tribes and currently in force applies to all areas under jurisdiction of the Tribe, including Residents of the Colville Indian Housing Authority. Violation of this Policy or of Colville Tribal Code Chapter 6-9 may be grounds for termination and Residents will be required to vacate the unit. Notwithstanding anything stated in this policy to the contrary, CIHA shall consider any request for reasonable accommodation to possess an assistance animal in a dwelling unit in accordance with the guidance set forth in the following HUD notices and guidance:

FHEO-2013-01:

https://www.hud.gov/sites/dfiles/FHEO/documents/19ServiceAnimalNoticeFHEO_508.pdf

FHEO 2020-01:

<https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>
HUD FHEO Assistance Animals Webpage:

https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals

HUD's Fact Sheet on Assistance Animals:

<https://www.hud.gov/sites/dfiles/PA/documents/AsstAnimalsGuidFS1-24-20.pdf>

A Resident keeping an assistance animal as a reasonable accommodation shall be responsible to cover the costs of any repairs for damage the animal causes to the Premises.

A. Definitions

1. "Common household pets" shall mean smaller domesticated animals such as a dog, cat, bird, fish or turtle. Rodents including hamsters and gerbils, and reptiles other than turtles are not common household pets for the purposes of this policy.
2. "Resident" shall mean any resident of CIHA housing, including renters and homebuyers, including without limitation residents with a Rental Lease, a Mutual

Help & Occupancy Agreement (MHOA), or other homebuyer agreement with CIHA.

3. "Premises" shall mean CIHA-owned units and homes and the associated yards and facilities.

B. Basic Requirements.

1. Residents are not permitted to keep any animals other than common household pets on their Premises.
2. Residents may only have one dog or one cat (not both), but may keep other common household pets in addition to a dog or cat.
3. In the case of birds, a maximum of two birds may be permitted.
4. There shall be no limit as to the number of fish, but no more than one aquarium with a maximum capacity of 55 gallons shall be permitted.
5. All CIHA Residents who wish to keep common household pets must abide by the terms and conditions of this policy, and must abide by the requirements of Chapter 6-9 of the CCT Law & Order Code.
6. Each pet owner shall be responsible for the proper care of his or her pet, including, but not limited to, good nutrition, grooming, routine veterinary care, flea control, routine inoculations, and compliance with all Colville Tribal Codes, and any applicable Federal, state, or local statutes, ordinances, rules and regulations, and any applicable public health, animal control, and anti-cruelty laws and regulations.
7. Each pet owner shall keep his or her unit and surrounding areas free of pet odors, insect infestation, waste and litter related to his or her pet and maintain the unit in a sanitary condition at all times.
8. Each pet owner shall be responsible for clean up after his or her pet anywhere on Housing Authority property, including carrying a "pooper scooper" and/or disposable plastic bag anytime the pet is outside of the unit. Residents owning a cat shall maintain a waterproof litter box for cat waste. Litter boxes shall not be allowed to become unsightly or unsanitary. All pet waste, including litter shall be bagged and disposed of in the outside garbage can or dumpster. No pet waste shall be disposed of in the toilet.
9. No pet shall be abandoned when the resident vacates.
10. Each pet owner shall maintain his or her pet in such a manner as to prevent any damage to his or her Premises, common areas and grounds of the community in which he or she lives.
11. No animal shall be kept, raised, or bred by a CIHA Resident for any commercial purpose.
12. Residents must be physically able to take care of the pet regularly, or must make appropriate arrangements with an assigned secondary caretaker. If a dog or cat is

left unattended for longer than 24 hours, the Resident must have a designated secondary caretaker care for the animal, or the animal will be delivered to the appropriate authorities. No animal may be left unattended in a common area of housing.

13. A Resident who keeps a pet(s) must be present on the day of inspection or maintenance repairs to care for his or her pet(s) while CIHA staff or contractors are present, or else Resident must remove his or her pet(s) from the unit so the unit is vacant until the inspection or maintenance repair is completed.
14. Any pet must be kept under control at all times. A pet shall not be allowed to interfere with the peaceful enjoyment of other Residents or neighbors by barking, howling, screeching, biting, scratching, or other activities. If a pet displays threatening behavior toward CIHA staff, the staff may refuse to enter a residence in response to a request for maintenance or other assistance. In such a case, staff will require the pet to be put on a leash or be removed from the residence before maintenance will be performed, or other assistance rendered. Any attack by a pet on any person will be grounds for permanent removal of the pet, or eviction of the Resident.
15. CIHA will take all necessary steps to ensure that pets which become vicious, display symptoms of severe illness or of abuse, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are referred to the appropriate Tribal, state or local entity authorized to remove such animals. Any cost to remove the animal will be charged to the Resident.
16. The Resident who maintains the pet is responsible for removing a deceased pet within 12 hours of the pet's death. Deceased dogs and cats may not be disposed of in the garbage dumpsters or on housing grounds.
17. **Pet Deposit:** The Resident will be required to get approval prior to acquiring a pet. The Resident shall pay CIHA a non-refundable pet deposit of \$250.00 prior to moving into the residence **or** prior to acquiring a new pet. Resident will be responsible for repairing any pet-related damages including yard and lawn repairs. If CIHA undertakes the repair work, the labor and material costs necessary to repair any pet-related damages will be deducted from the deposit. If the sum of the damages exceeds the amount held by CIHA as a deposit, the Resident shall be billed for the overage.
18. Copies of this provision of the Code shall be distributed to all Residents that have signed a Rental Lease, a Mutual Help & Occupancy Agreement (MHOA), or other homebuyer agreement with CIHA.
19. A failure to abide by this Policy and the applicable Code provisions shall be deemed a violation of the applicable agreement between CIHA and the tenant or homebuyer, and grounds for termination of that agreement.

C. **Conditions for Having a Dog or Cat.** A Resident may have a dog or cat if the following conditions are met regarding the animal.

1. No more than one dog or one cat (not both) shall be permitted in a household. A resident with a dog or cat may also have other categories of "common household pets" as defined above.
2. With respect to dogs, any dog that is partly or wholly of any of the "Pit Bull" or "Rottweiler" breeds, as defined in Colville Tribal Code, Section 6-9-30(g) is specifically prohibited and shall not be allowed in any CIHA community.
3. Ownership of a trained "guard" dog or "attack" dog, or ownership of animals for the purpose of dog or cat breeding is prohibited.
4. No dog or cat shall exceed 15 inches in height at the shoulder or 25 pounds in weight when fully grown. If your animal is already registered with the management office, you are exempt from this size restriction until such time as you may acquire a new pet. It is your responsibility to ensure that your pet is registered with the CIHA office.
5. All dogs and cats must be registered with the Colville Tribal Animal Control Officer and the CIHA office immediately. Such registration shall consist of providing the following:
 - a) Basic information about the pet (type, age, description, name, etc.)
 - b) Provide a picture of the animal for identification purposes.
 - c) All dogs and cats shall be inoculated, licensed and spayed or neutered and owners shall provide veterinarian written verification of inoculations against rabies and certification of spay/neuter.
 - d) Proof that inoculations and license of the pet shall be verified annually.
 - e) Payment of the above-mentioned pet security deposit of \$250.00 (to be paid in full or in the case of hardship, over a period of time not to exceed six months) to help defray the costs of potential damage done by a dog or cat to the unit or adjacent yard. Proof of hardship must be submitted to CIHA for approval by the Executive Director or their designee.

D. Requirements for Keeping a Dog or a Cat: All Residents must abide by the following requirements concerning dog or cat ownership:

1. All dogs or cats that reside within a CIHA managed unit must be spayed or neutered. If a dog or cat within a CIHA managed unit is NOT spayed or neutered **the tenant or homebuyer may be charged \$25/month, due on the first of each month**, until proof is shown that the animals have been spayed or neutered.
2. Be advised that it is the Resident's obligation to ensure that the owner or keeper of any dog kept on the Premises register his or her dog with the Tribe at the Colville Tribal Police Services building located in Nespelem. There is no charge for the tag or registration. The registration tag assists the Tribal Animal Control Officer in locating the owner or keeper of the dog.
3. Also, it is the Resident's responsibility to make sure that any dog kept on his or her Premises is confined to its designated area within the Resident's Premises and/or fenced lot. The dog must have a collar and registration tag. Unless the dog is kept within a fenced area within the Premises, it must be kept on a leash long enough to

allow the animal to roam free on their owner's property. If fencing of the lot is the chosen form of confinement, the expense associated with the fence shall be a Resident responsibility in order to keep the approved pet(s), and the construction and maintenance of a fence must be carried out in accordance with CIHA policy. A dog may be tethered within the resident's yard or patio (but not in the public patio in the case of an apartment complex without individual yards or patios.) Tethering in a yard is permitted only in such a manner as to not cause erosion or excessive wear on the lawn. A dog may be tethered by a harness. A dog may not be tethered by the neck. No "dog runs" are permitted.

4. Any dog running at large and without identification may be considered a stray, and any stray dog, or any dog chasing animals or endangering people may be grounds for permanent removal of the pet or eviction of the Resident. Further any such dog shall be reported to the appropriate agency and **may be humanely destroyed and disposed of in accordance with applicable law**. To reiterate, please take control of your dogs and register them so that the Colville Tribal Police Officers may identify the dogs if they are caught.
5. When outside the unit, the dog must be accompanied by its owner and restrained with a leash or tethered properly.
6. Each pet owner shall maintain his or her dog or cat in such a manner as to prevent the animal from being a nuisance or a threat to the health or safety of CIHA employees, the public or other residents in the community by reason of noise, unpleasant odors or other objectionable situations.