AN ACT concerning housing; relating to assistance animals; enacting the Kansas assistance animals in housing act; creating the crimes of misrepresentation of entitlement to an assistance animal and improper denial of an assistance animal.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) This section shall be known as the Kansas assistance animals in housing act.

(b) A housing provider who receives a request from a person to make an exception to the housing provider's policy prohibiting or restricting animals on the housing provider's property because the person requires the use of an assistance animal may require such person to produce reliable documentation of the disability and disability-related need for the animal only if the disability or disability-related need is not readily apparent or known to the housing provider. A housing provider may ask a person to make the request on a standardized form, but shall not deny the request because the person did not use the form to submit documentation that meets the requirements described in subsection (c). If the person's need for an assistance animal is not readily apparent or known by the housing provider, a housing provider receiving a request for more than one assistance animal may request documentation under subsection (c) establishing the disability-related need for each animal.

(c) Any documentation demonstrating that a person has a disability and requires the use of an assistance animal as a reasonable accommodation in housing under the fair housing act, 42 U.S.C. § 3601 et seq., or the Kansas act against discrimination, K.S.A. 44-1001 et seq., and amendments thereto, shall:

(1) Be in writing;
(2) be made by a person with whom the individual requesting an accommodation has a supportive relationship; and
(3) document the individual's disability and disability-related need for the assistance animal.

(d) A housing provider may deny a documented request for accommodation or rescind a granted request under this act if:

(1) The accommodation imposes:

(A) An undue financial and administrative burden to the housing
provider; or
  (B) a fundamental alteration to the nature of the operations of the
housing provider; or
(2) after conducting an individualized assessment, there is reliable,
objective evidence that the specific assistance animal:
  (A) Poses a direct threat to the health or safety of others that cannot
be reduced or eliminated by another reasonable accommodation;
  (B) causes substantial physical damage to the property of others that
cannot be reduced or eliminated by another reasonable accommodation; or
  (C) has engaged in a pattern of uncontrolled behavior that the person
requesting the accommodation has not taken effective action to correct.
(e) If the initial documentation provided does not satisfy the
requirements of subsection (c), a housing provider may require additional
supporting documentation of such person's disability or need for the
assistance animal. If the initial documentation is insufficient to show the
existence of the supportive relationship required by subsection (c), a
housing provider may request additional information describing the
professional relationship between the person and the individual with a
disability.
(f) A housing provider may consider the documented disabilities and
disability-related needs of other residents on the property when evaluating
the reasonableness of the request for the assistance animal, but shall not
deny an assistance animal solely due to the disabilities and disability-
related needs of another resident. A housing provider shall attempt to
balance the disability-related needs of all residents.
(g) A housing provider may require a resident to pay for the costs of
repairs for damage that the assistance animal causes to the resident's
dwelling unit or the common areas, except for reasonable wear and tear, in
the same manner that the housing provider would for damage caused by
any other resident. A housing provider shall not require a resident to pay a
pet-related deposit, pet fee or related pet assessment for an assistance
animal, even if the housing provider allows pets and requires pet owners to
pay such costs. A housing provider shall not require a resident with an
assistance animal to procure special liability insurance or coverage for the
assistance animal.
(h) Nothing in this act shall be construed to:
(1) Require documentation of a specific diagnosis regarding a
disability or disability-related need; or
(2) prohibit a housing provider from verifying the authenticity of the
documentation submitted under subsection (c).
(i) Notwithstanding any other provision of law, a housing provider
shall not be liable for injuries or damages caused by a person's assistance
animal permitted on the housing provider's property as a reasonable
accommodation to assist the person with a disability under the fair housing
act, 42 U.S.C. § 3601 et seq., section 504 of the rehabilitation act of 1973,
29 U.S.C. § 701 et seq., the Kansas act against discrimination, K.S.A. 44-
1001 et seq., and amendments thereto, or any other federal, state or local
law.

(j) Nothing in this act shall be construed to:

(1) Limit the rights of an individual under the fair housing act, 42
et seq., the Kansas act against discrimination, K.S.A. 44-1001 et seq., and
amendments thereto, or any other federal, state or local law; or

(2) limit the liability of housing providers under such laws.

(k) For the purposes of this section:

(1) "Assistance animal" means an animal that works, provides
assistance or performs tasks for the benefit of a person with a disability, or
that provides emotional support that alleviates one or more effects of a
person's disability. "Assistance animal" does not include a pet.

(2) "Disability" means the same as the term is defined in K.S.A 44-
1002, and amendments thereto.

(3) "Healthcare provider" means a physician, licensed physician
assistant, licensed advanced practice registered nurse or a person licensed,
registered, certified or otherwise authorized to practice by the behavioral
sciences regulatory board.

(4) "Housing provider" means any owner, property management
company, property manager, government entity, condominium board,
condominium association, cooperative or related entity, and any agent or
employee thereof, engaged in the selling, leasing, management, control or
governance of residential housing.

(5) "Reasonable accommodation" means the same as the term is
defined in K.S.A. 44-1002, and amendments thereto.

(6) "Supportive relationship" means the provision of healthcare or
personal care services in good faith, for and with actual knowledge of an
individual's disability and that individual's disability-related need for an
assistance animal, by a:

(A) Healthcare provider; or

(B) non-medical service agency or reliable third party that is in a
position to know about the individual's disability.

Sec. 2. (a) Misrepresentation of entitlement to an assistance animal in
housing is intentionally:

(1) Misrepresenting to a housing provider that a person has a
disability or disability-related need for an assistance animal in housing; or

(2) making materially false statements for the purpose of obtaining
documentation for the use of an assistance animal in housing.

(b) Misrepresentation of entitlement to an assistance animal in
housing is:

(1) Upon a first conviction, an unclassified nonperson misdemeanor, punishable by a fine of not less than $25 and not more than $100;
(2) upon a second conviction, a class C nonperson misdemeanor; and
(3) upon a third or subsequent conviction, a class A nonperson misdemeanor.

c) If a person misrepresents an entitlement to an assistance animal, the housing provider may commence an action allowed pursuant to K.S.A. 58-2564 or 58-25,120, and amendments thereto.

d) For the purposes of this section:
   (1) "Assistance animal" means the same as the term is defined in section 1, and amendments thereto.
   (2) "Conviction" includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county that prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution.
   (3) "Housing provider" means the same as the term is defined in section 1, and amendments thereto.

e) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 3. (a) Improper denial of an assistance animal is intentionally:
   (1) Requesting and obtaining documentation pursuant to section 1, and amendments thereto; and
   (2) improperly denying the reasonable accommodation request.
(b) Improper denial of an assistance animal is:
   (1) Upon a first conviction, an unclassified nonperson misdemeanor punishable by a fine of not less than $25 and not more than $200;
   (2) upon a second conviction, a class C nonperson misdemeanor; and
   (3) upon a third or subsequent conviction, a class A nonperson misdemeanor.

c) It shall not be a violation of this section if a denial of an assistance animal satisfies the provisions of section 1, and amendments thereto.

d) For the purposes of this section, "conviction" includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county that prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution.

e) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.