

## Senate Substitute for HOUSE BILL No. 2057

By Committee on Federal and State Affairs

2-9

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1 AN ACT concerning housing; relating to assistance animals; enacting the  
2 Kansas assistance animals in housing act; creating the crime of  
3 misrepresentation of entitlement to an assistance animal.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

34 (1) The accommodation imposes:  
35 (A) An undue financial and administrative burden to the housing  
36 provider; or

1 (B) a fundamental alteration to the nature of the operations of the  
2 housing provider; or

3 (2) after conducting an individualized assessment, there is reliable,  
4 objective evidence that the specific assistance animal:

5 (A) Poses a direct threat to the health or safety of others that cannot  
6 be reduced or eliminated by another reasonable accommodation;

7 (B) causes substantial physical damage to the property of others that  
8 cannot be reduced or eliminated by another reasonable accommodation; or

9 (C) has engaged in a pattern of uncontrolled behavior that the person  
10 requesting the accommodation has not taken effective action to correct.

11 (e) If the initial documentation provided does not satisfy the  
12 requirements of subsection (c), a housing provider may require additional  
13 supporting documentation of such person's disability or need for the  
14 assistance animal. If the initial documentation is insufficient to show the  
15 existence of the supportive relationship required by subsection (c), a  
16 housing provider may request additional information describing the  
17 professional relationship between the person and the individual with a  
18 disability.

19 (f) A housing provider may consider the documented disabilities and  
20 disability-related needs of other residents on the property when evaluating  
21 the reasonableness of the request for the assistance animal, but shall not  
22 deny an assistance animal solely due to the disabilities and disability-  
23 related needs of another resident. A housing provider shall attempt to  
24 balance the disability-related needs of all residents.

25 (g) A housing provider may require a resident to pay for the costs of  
26 repairs for damage that the assistance animal causes to the resident's  
27 dwelling unit or the common areas, except for reasonable wear and tear, in  
28 the same manner that the housing provider would for damage caused by  
29 any other resident. A housing provider shall not require a resident to pay a  
30 pet-related deposit, pet fee or related pet assessment for an assistance  
31 animal, even if the housing provider allows pets and requires pet owners to  
32 pay such costs. A housing provider shall not require a resident with an  
33 assistance animal to procure special liability insurance or coverage for the  
34 assistance animal.

35 (h) Nothing in this act shall be construed to:

36 (1) Require documentation of a specific diagnosis regarding a  
37 disability or disability-related need; or

38 (2) prohibit a housing provider from verifying the authenticity of the  
39 documentation submitted under subsection (c).

40 (i) Notwithstanding any other provision of law, a housing provider  
41 shall not be liable for injuries or damages caused by a person's assistance  
42 animal permitted on the housing provider's property as a reasonable  
43 accommodation to assist the person with a disability under the fair housing

1 act, 42 U.S.C. § 3601 et seq., section 504 of the rehabilitation act of 1973,  
2 29 U.S.C. § 701 et seq., the Kansas act against discrimination, K.S.A. 44-  
3 1001 et seq., and amendments thereto, or any other federal, state or local  
4 law.

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

6 (1) Limit the rights of an individual under the fair housing act, 42  
7 U.S.C. § 3601 et seq., section 504 of the rehabilitation act, 29 U.S.C. § 701  
8 et seq., the Kansas act against discrimination, K.S.A. 44-1001 et seq., and  
9 amendments thereto, or any other federal, state or local law; or

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

11 (k) For the purposes of this section:

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

16 (2) "Disability" means the same as the term is defined in K.S.A. 44-  
17 1002, and amendments thereto.

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

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

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

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

33 (A) Healthcare provider; or

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

36 An individual does not have a supportive relationship if the relationship  
37 was based solely on providing documentation for a reasonable  
38 accommodation request for an animal.

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

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

43 (2) making materially false statements for the purpose of obtaining

1 documentation for the use of an assistance animal in housing.

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

4 (1) Upon a first conviction, an unclassified nonperson misdemeanor,  
5 punishable by a fine of not less than \$25 and not more than \$100;

6 (2) upon a second conviction, a class C nonperson misdemeanor; and

7 (3) upon a third or subsequent conviction, a class A nonperson  
8 misdemeanor.

9 (c) If a person misrepresents an entitlement to an assistance animal,  
10 the housing provider may commence an action allowed pursuant to K.S.A.  
11 58-2564 or 58-25,120, and amendments thereto.

12 (d) For the purposes of this section:

13 (1) "Assistance animal" means the same as the term is defined in  
14 section 1, and amendments thereto.

15 (2) "Conviction" includes being convicted of a violation of a law of  
16 another state, or an ordinance of any city, or resolution of any county that  
17 prohibits the acts that this section prohibits or entering into a diversion or  
18 deferred judgment agreement in lieu of further criminal proceedings in a  
19 case alleging a violation of such law, ordinance or resolution.

20 (3) "Housing provider" means the same as the term is defined in  
21 section 1, and amendments thereto.

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

24 Sec. 3. This act shall take effect and be in force from and after its  
25 publication in the statute book.