

February 16, 2023

The Honorable Kellie Warren, Chairperson  
Senate Committee on Judiciary  
300 SW 10th Avenue, Room 346-S  
Topeka, Kansas 66612

Dear Senator Warren:

**SUBJECT:** Fiscal Note for SB 170 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 170 is respectfully submitted to your committee.

SB 170 would create the Kansas Assistance Animals in Housing Act. The bill would allow housing providers to request documentation of a tenant's disability-related need for an assistance animal. Such documentation could be written or verbal. Housing providers would be allowed to deny requests or rescind approval of assistance animal accommodations if the accommodation imposes an undue burden to the provider or requires a fundamental alteration to the nature of the provider's operations or if the assistance animal poses a threat to others' health, safety, or property. Residents with assistance animals could be required to pay for damages caused by the animal, but no pet-related deposit or liability insurance would be required. Housing providers would not be liable for injuries or damages caused by an assistance animal.

SB 170 would also create the crime of misrepresentation of entitlement to an assistance animal in housing. The first conviction, an unclassified nonperson misdemeanor, would be punishable by a fine from \$25 to \$100. A second conviction would be a class C nonperson misdemeanor, and a third would be a class A nonperson misdemeanor. Additionally, the housing provider could initiate termination of the rental agreement in accordance with existing laws.

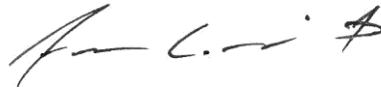
The Kansas Judicial Branch indicates that SB 170 would have an unknown fiscal effect. Enactment of SB 170 could increase the number of cases filed in district courts because it would create a new crime, increasing the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since this crime would carry a misdemeanor penalty, there could also be more supervision of offenders required to be performed by court

services officers. SB 170 could also increase agency revenue from docket fees, fines, and supervision fees.

The Kansas Department of Agriculture indicates that enactment of SB 170 would not have a fiscal effect. Any fiscal effect associated with SB 170 is not reflected in *The FY 2024 Governor's Budget Report*.

According to the League of Kansas Municipalities and the Kansas Association of Counties, SB 170 would not have a fiscal effect on cities or counties.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

cc: Vicki Jacobsen, Judiciary  
Kellen Liebsch, Department of Agriculture  
Jay Hall, Kansas Association of Counties  
Wendi Stark, League of Kansas Municipalities