

**SENATE BILL No. 170**

By Committee on Federal and State Affairs

2-7

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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 in housing and  
4 providing penalties therefor.

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

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

9 (b) It is unlawful for a housing provider to refuse to make a  
10 reasonable accommodation that a person with a disability may need in  
11 order to have equal opportunity to enjoy and use a dwelling per the fair  
12 housing act, 42 U.S.C. § 3601 et seq.

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

27 (d) (1) Any documentation demonstrating that a person has a  
28 disability and requires the use of an assistance animal as a reasonable  
29 accommodation in housing under the fair housing act, 42 U.S.C. § 3601 et  
30 seq., or the Kansas act against discrimination, K.S.A. 44-1001 et seq., and  
31 amendments thereto, shall:

32 (A) Be in writing or verbally communicated;

33 (B) be made by a person with whom the individual requesting an  
34 accommodation has a supportive relationship; and

35 (C) document the individual's disability-related need for the  
36 assistance animal.

1 (2) Certificates, registrations and licensing documents for assistance  
2 animals purchased online for a fee are, by themselves, insufficient  
3 documentation of an individual's disability status or that individual's need  
4 for an assistance animal.

5 (e) A housing provider may deny a documented or verbal request for  
6 accommodation or rescind a granted request under this section if:

7 (1) The accommodation imposes:

8 (A) An undue financial and administrative burden to the housing  
9 provider;

10 (B) a fundamental alteration to the nature of the operations of the  
11 housing provider; or

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

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

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

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

20 (f) If the initial documentation provided does not satisfy the  
21 requirements of subsection (d), a housing provider may require additional  
22 supporting documentation of such person's need for the assistance animal.  
23 If the initial documentation is insufficient to show the existence of the  
24 supportive relationship required by subsection (d), a housing provider may  
25 request additional information describing the professional relationship  
26 between the person and the individual with a disability.

27 (g) A housing provider may consider the disability-related needs of  
28 other residents on the property when evaluating the reasonableness of the  
29 request for the assistance animal, but shall not deny an assistance animal  
30 solely due to the disability-related needs of another resident. A housing  
31 provider shall attempt to balance the disability-related needs of all  
32 residents. Before denying a reasonable accommodation request due to lack  
33 of information confirming an individual's disability-related need for an  
34 animal, the housing provider is encouraged to engage in an interactive,  
35 good-faith dialogue and process with the requestor.

36 (h) A housing provider may require a resident to pay for the costs of  
37 repairs for damage that the assistance animal causes to the resident's  
38 dwelling unit or the common areas, except for reasonable wear and tear, in  
39 the same manner that the housing provider would require for damage  
40 caused by any other resident. A housing provider shall not require a  
41 resident to pay a pet-related deposit, pet fee or related pet assessment for  
42 an assistance animal, even if the housing provider allows pets and requires  
43 pet owners to pay such costs. A housing provider shall not require a

1 resident with an assistance animal to procure special liability insurance or  
2 coverage for the assistance animal.

3 (i) Nothing in this section shall be construed to:

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

6 (2) prohibit a housing provider from verifying the authenticity of the  
7 documentation submitted under subsection (d).

8 (j) Notwithstanding any other provision of law, a housing provider  
9 shall not be liable for injuries or damages caused by a person's assistance  
10 animal permitted on the housing provider's property as a reasonable  
11 accommodation to assist the person with a disability under the fair housing  
12 act, 42 U.S.C. § 3601 et seq., section 504 of the rehabilitation act of 1973,  
13 29 U.S.C. § 701 et seq., the Kansas act against discrimination, K.S.A. 44-  
14 1001 et seq., and amendments thereto, or any other federal, state or local  
15 law.

16 (k) Nothing in this section shall be construed to:

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

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

22 (l) For the purposes of this section:

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

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

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

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

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

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

- 1 (i) Healthcare provider; or  
2 (ii) non-medical service agency or reliable third party that is in a  
3 position to know about the individual's disability or disability related  
4 needs.

5 (B) An individual does not have a supportive relationship if the  
6 relationship was based solely on providing documentation for a reasonable  
7 accommodation request for an animal.

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

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

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

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

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

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

19 (3) upon a third or subsequent conviction, a class A nonperson  
20 misdemeanor.

21 (c) For the purposes of this section:

22 (1) "Assistance animal" means the same as defined in section 1, and  
23 amendments thereto.

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

29 (3) "Housing provider" means the same as defined in section 1, and  
30 amendments thereto.

31 (d) If a person misrepresents an entitlement to an assistance animal,  
32 the housing provider may commence an action allowed pursuant to K.S.A.  
33 58-2564 or 58-25,120, and amendments thereto.

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

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