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**MEMORANDUM**

To: House Committee on Judiciary  
From: Natalie Scott, Assistant Revisor of Statutes  
Date: February 4, 2020  
Subject: Bill Brief on HB 2523

HB 2523 enacts the Kansas assistance animals in housing act.

A housing provider who receives a request from a person to make an exception to a policy prohibiting or restricting animals may require the person to produce reliable documentation of the disability-related need for the service animal if the need is not readily apparent. A housing provider may ask the person to make the request on a standard form, but cannot deny the request because the person did not use the form.

The documentation demonstrating the disability shall be in writing, be made by a person with whom the person has a supportive relationship and document the person's disability-related need for the assistance animal. A housing provider may deny a documented request if the accommodation imposes an undue financial and administrative burden to the house provider or a fundamental alteration to the nature of the operations of the housing provider, or, after conducting an assessment, there is evidence that the animal poses a threat to the health or safety of others, causes substantial physical damage or has engaged in a pattern of uncontrolled behavior that has not been corrected.

If the documentation provided does not satisfy the requirements of subsection (c), a housing provider may require additional documentation. A housing provider may consider disability-related needs of other residents when evaluating requests, and they shall balance the disability-related needs of all residents. A housing provider may require a resident to pay for costs of repairs for damage caused by assistance animals except for reasonable wear and tear. A housing provider shall not require a pet deposit or special liability insurance.

Nothing in this section shall require documentation of a specific diagnosis or prohibit a housing provider from verifying the authenticity of documentation. A housing provider shall not

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be liable for injuries or damages caused by a person's assistance animal. Also, nothing limits the rights of an individual under federal acts or limit liability of housing providers under those acts. Subsection (k) provides definitions for use in the act.

Section 2 creates the crime of misrepresentation of entitlement to an assistance animal which is intentionally misrepresenting that a person has a disability-related need for an assistance animal or making false statements for the purpose of obtaining documentation for use of an assistance animal. On a first conviction this crime would be an unclassified misdemeanor punishable by a fine of not less than \$25 and not more than \$100. On a second conviction, it is a class C nonperson misdemeanor. On a third or subsequent conviction, it is a class A nonperson misdemeanor.

Section 3 creates the crime of improper denial of an assistance animal is intentionally requesting and obtaining documentation pursuant to section 1 and improperly denying a reasonable request. On a first conviction, this would be an unclassified nonperson misdemeanor punishable by a fine of not less than \$25 and not more than \$200. On a second conviction, it is a class C nonperson misdemeanor. On a third or subsequent conviction, it is a class A nonperson misdemeanor.