

February 4, 2020

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 519C-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2523 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2523 is respectfully submitted to your committee.

HB 2523 would establish the Kansas Assistance Animals in Housing Act. A housing provider may require reliable documentation of a disability or disability-related need for an assistance animal from a person requesting an exception from the housing provider's policy on prohibiting or restricting animals on the housing provider's property. The request for reliable documentation may be made only if the disability or disability-related need is not readily apparent or known to the housing provider. A housing provider may deny a documented request for accommodation or rescind a granted request if the accommodation imposes an undue financial and administrative burden to the housing provider or a fundamental alteration to the nature of the operations of the housing provider. Denial may also be rendered if there is reliable, objective evidence that the assistance animal poses a direct threat to the health and safety of others, causes substantial physical damage to the property, or has engaged in a pattern of uncontrollable behavior. A housing provider who allows an accommodation for assistance animals would not be liable for injuries or damages caused by a person's assistance animal.

The bill would create the crime of misrepresentation of entitlement to an assistance animal in housing. The bill would also create the crime of improper denial of an assistance animal. Conviction of either crime would be a misdemeanor under the Kansas Criminal Code.

The Kansas Human Rights Commission estimates HB 2523 may increase the number of complaints received by the Commission. However, the agency indicates that it could absorb any increase in complaints within existing resources.

The Office of Judicial Administration indicates HB 2523 could increase the number of cases filed in district courts because of the new crimes created by the bill. This would increase the time spent by district court judicial and nonjudicial personnel processing, researching, and hearing cases. Additionally, the new crimes could require more supervision of offenders by court service officers. The bill could also increase the amount of revenue received from docket fees, probation fees and fines. However, the Office is unable to estimate the fiscal effect on the courts because the number of cases resulting from passage of the bill is unknown. Any fiscal effect associated with HB 2523 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "L. L. Campbell". The signature is written in dark ink and is positioned above the printed name and title.

Larry L. Campbell
Director of the Budget

cc: Ruth Glover, Human Rights Commission
Mary Rinehart, Judiciary