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Senate Bill 360 / Enacting the Kansas assistance animals in housing act.

Proponent

Oral in-Person & Written Testimony

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Kansas Senate Bill 360 is a measure that mitigates potential abuse and ensures that the benefit of a reasonable accommodation applies only to the people who need it in housing. Housing providers strongly support the rights of persons with disabilities to make reasonable accommodation requests so they may have equal opportunity to use and enjoy a dwelling.

One of, if not, the most requested accommodation is for a housing provider to allow an assistance animal (defined as service animal or an emotional support animal) that would normally be prohibited, to reside with the resident. Like the airline industry, a lack of clarity in the law governing reasonable accommodation requests in housing has created a loophole for bad actors to abuse the system, creating a cottage industry of online outlets that produce the verification for the right price. Current Kansas law does not give owners and operators clear guidance on compliance, giving them pause because if they make the wrong decision on a request, it could result in a housing discrimination complaint and having to pay significant monetary damages to the resident.

As background, the Americans with Disabilities Act governs public accommodations. The threshold for allowing animals or other requested accommodations in public spaces is very low to allow persons with disabilities to move freely through publicly accessible areas with ease. The Fair Housing Act covers reasonable accommodations in housing and has a higher threshold for evaluating these requests as they allow for a largely permanent allowance of the animal/other accommodations in the home/areas accessible to residents of apartment communities that are not necessarily public spaces. Kansas law should reflect and align with the Fair Housing Act.

Currently, there is a misnomer that it's sufficient for renters to provide online ID cards or certificates that they paid \$50 for on the internet for example. The information to obtain these is limited and has expanded abuse of the system hurting those who really need it. Legitimate users of animal assistant say the rise in the number of fake support animals has made it harder for them to find acceptance for their trained companions in stores and other public places.

This bill protects housing providers who prohibit animals from tenants who falsely claim their animals are service or emotional support animals while supporting legitimate users who need them. It gives clarity to housing providers and residents. 35 other states have implemented similar laws to protect housing providers and those with disabilities.

Thank you for your consideration of Senate Bill 360 and hopeful vote out of this committee.