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1/31/21

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

Proponent

Oral in-Person & Written Testimony

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National Apartment Association

The National Apartment Association (NAA) is grateful for the opportunity to submit this statement regarding Senate Bill 360, *Enacting the Kansas assistance animals in housing act*.

As background, NAA is the leading voice for the rental industry, serving over 93,000 members, representing more than 10.5 million apartment units worldwide, and our federation of 149 state and local affiliated-apartment associations, including the Apartment Association of Kansas City.

Through this lens, we are writing to emphasize our strong support for the bill and encourage members of the Committee on Federal and State Affairs to vote in favor of this legislation. It provides clarity for rental owners and managers in the state to understand how to evaluate reasonable accommodation requests for animals in accordance with the federal Fair Housing Act (FHA), discourages fraudulent requests, and protects disabled renters' rights to live with their assistance animals.

Housing providers continue to deal with challenges related to fraudulent emotional support animal requests. Renters are engaging with online outlets which operate solely for the purposes of obtaining necessary documentation for an emotional support animal (ESA) per the FHA. Loopholes in federal law have created a demand for these form letters for purchase because they can be used to avoid paying pet fees or deposits or to circumvent an apartment community's restrictions on certain dog breeds. The form letter is intended to generally fit the letter of the law but often does not reflect a bona fide therapeutic relationship with the renter. Such exploitation of the rules imposes an unfair burden on rental housing providers and undermines the intent of fair housing laws. Moreover, it unfairly increases mistrust of anyone who requests an emotional support animal.

It is common for serious consequences to result from the situation above when a housing provider believes that the ESA request is fraudulent but has no standing to deny the request, and the animal becomes a nuisance or seriously injures another resident. SB 360 addresses the gaps in federal law, and its passage is the best way to protect housing providers and residents while keeping bad actors from abusing fair housing laws in the state.

Thank you for considering our views. We hope that you will support SB 360.

Sincerely,

A handwritten signature in black ink that reads 'Nicole Upano'.

Nicole Upano

AVP of Housing Policy & Regulatory Affairs

NAA