

SENATE BILL No. 240

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-9-7; IC 34-30-2-87.7.

Synopsis: Service animals. Specifies that a person who offers to rent or otherwise make available a dwelling may not ask an individual with a disability who seeks to use a service animal about the existence, nature, and extent of the individual's disability. Provides that a person who offers to rent or otherwise make available a dwelling to an individual with a disability that is not apparent may require that the individual certify in writing from a health service provider the individual's need for a service animal. Provides that an individual with a disability that is not apparent who submits a request for a service animal that falsely suggests the individual has a disability that entitles the individual to the use of a service animal in a dwelling commits a Class A infraction. Specifies that a person who offers to rent or otherwise make available a dwelling and permits an individual with a disability the use of a service animal on the premises of a dwelling as a reasonable accommodation under certain federal, state, or local laws is not liable for an injury to another individual caused by an individual's service animal.

Effective: July 1, 2018.

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January 3, 2018, read first time and referred to Committee on Civil Law.



Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

SENATE BILL No. 240



A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-9-7 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]:

4 **Chapter 7. Service Animals in Housing**

5 **Sec. 1. As used in this chapter, "dwelling" means:**

6 (1) **any building, structure, or part of a building or structure**
7 **that is occupied as, or designed or intended for occupancy as,**
8 **a residence by one (1) or more families; or**

9 (2) **any vacant land that is offered for sale or lease for the**
10 **construction or location of a building, structure, or part of a**
11 **building or structure described in subdivision (1).**

12 **The term includes a recreational vehicle (as defined in**
13 **IC 9-13-2-150).**

14 **Sec. 2. As used in this chapter, "family" has the meaning set**
15 **forth in IC 22-9.5-2-9.**

16 **Sec. 3. As used in this chapter, "health service provider" refers**
17 **to:**



1 (1) a psychiatrist who is licensed as a physician under
2 IC 25-22.5;
3 (2) a psychologist who is licensed under IC 25-33; or
4 (3) an individual who holds a license under IC 25-23.6;
5 who provides medical services or treatment to an individual.

6 Sec. 4. As used in this chapter, "individual with a disability"
7 means an individual:

8 (1) with a physical or mental impairment that substantially
9 limits one (1) or more of the major life activities of the
10 individual; or

11 (2) who:

12 (A) has a record of;

13 (B) or is regarded as;

14 having an impairment described in subdivision (1).

15 Sec. 5. As used in this chapter, "service animal" has the
16 meaning set forth in IC 16-18-2-328.2.

17 Sec. 6. As used in this chapter, "to rent" has the meaning set
18 forth in IC 22-9.5-2-13.

19 Sec. 7. (a) Except as provided in subsection (b), a person who
20 offers to rent or otherwise make available a dwelling may not ask
21 an individual with a disability who seeks to use a service animal
22 about the existence, nature, and extent of the individual's disability.

23 (b) A person who offers to rent or otherwise make available a
24 dwelling to an individual with a disability that is not apparent who
25 seeks a reasonable accommodation for a service animal in a
26 dwelling may require that the individual certify in writing from a
27 health service provider that:

28 (1) the individual is an individual with a disability;

29 (2) there is a medical need for the service animal to assist the
30 individual; and

31 (3) the service animal assists the individual in managing the
32 individual's disability.

33 Sec. 8. If an individual described in section 7(b) of this chapter
34 submits a request for a reasonable accommodation, a person who
35 offers to rent or otherwise make available a dwelling may evaluate
36 any documents submitted with the request for a reasonable
37 accommodation to verify the individual's medical need for a
38 service animal.

39 Sec. 9. This section applies to an individual described in section
40 7(b) of this chapter who has a disability that is not apparent. An
41 individual who submits a request to maintain a service animal in
42 a dwelling and:



1 (1) misrepresents to a person who offers to rent or otherwise
 2 make available a dwelling that the individual is an individual
 3 with a disability or has a medical need that requires the use of
 4 a service animal in a dwelling;

5 (2) makes a materially false statement to the individual's
 6 health service provider to obtain documentation to
 7 substantiate the individual's need for a service animal in a
 8 dwelling;

9 (3) provides a document to a person who offers to rent or
 10 otherwise make available a dwelling that misrepresents that
 11 the animal is a service animal; or

12 (4) fits an animal that is not a service animal with a harness,
 13 collar, vest, or sign that would cause a reasonable person to
 14 believe the animal is a service animal;

15 commits a Class A infraction.

16 Sec. 10. A person who offers to rent or otherwise make available
 17 a dwelling may not require an individual with a disability to pay a
 18 fee to maintain the service animal in the dwelling.

19 Sec. 11. This chapter does not prohibit a person who offers to
 20 rent or otherwise make available a dwelling from requiring an
 21 individual with a disability who uses a service animal from:

22 (1) complying with the terms of the rental agreement and
 23 other rules or regulations applicable to the dwelling on the
 24 same terms as other residents; or

25 (2) paying for the cost of repairs that result from any damages
 26 to the dwelling that are caused by the service animal in the
 27 same manner as a resident who maintains an animal that is
 28 not a service animal in the dwelling.

29 Sec. 12. Subject to any other federal, state, or local law, a person
 30 who offers to rent or otherwise make available a dwelling and
 31 permits an individual with a disability the use of a service animal
 32 on the premises of a dwelling as a reasonable accommodation
 33 under:

34 (1) the federal Fair Housing Act (42 U.S.C. 3601 et seq.) and
 35 any amendments and regulations thereto;

36 (2) Section 504 of the federal Rehabilitation Act of 1973 (29
 37 U.S.C. 794) and any amendments and regulations thereto;

38 (3) the federal Americans with Disabilities Act (42 U.S.C.
 39 12101 et seq.) and any amendments and regulations thereto;
 40 or

41 (4) any other applicable state or local law;

42 is not liable for an injury to another individual caused by an



1 **individual's service animal.**
2 SECTION 2. IC 34-30-2-87.7 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2018]: **Sec. 87.7. IC 22-9-7-12 (Concerning**
5 **a person who offers to rent or otherwise make available a dwelling**
6 **to an individual with a disability who uses a service animal as a**
7 **reasonable accommodation).**

