

HOUSE BILL No. 2152

By Committee on Judiciary

2-6

1 AN ACT concerning physically disabled persons; relating to assistance
2 animals; procedures for assistance animal accommodations in housing;
3 amending K.S.A. 2018 Supp. 39-1103 and repealing the existing
4 section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) A person with a disability may submit a request
8 for a reasonable accommodation to maintain an assistance animal on the
9 landlord's property pursuant to the fair housing act, as amended, 42 U.S.C.
10 § 3601 et seq., the Americans with disabilities act of 1990, 42 U.S.C. §
11 12101 et seq., and section 504 of the rehabilitation act of 1973, as
12 amended, 29 U.S.C. § 701, or any other federal, state or local law. If the
13 person making the request has a disability or disability-related need for an
14 assistance animal that is not readily apparent or known to the landlord, the
15 landlord may require the person to produce documentation of the disability
16 and disability-related need for the assistance animal.

17 (b) A person making a request for a reasonable accommodation shall
18 produce documentation requested under subsection (b) that meets the
19 following requirements:

20 (1) Verify that the person seeking the accommodation meets the
21 definition of disability;

22 (2) describe the person's disability-related need for the assistance
23 animal; and

24 (3) be provided by a physician or counselor who has met with the
25 patient in person and is sufficiently familiar with the patient's disability.

26 (c) If a request for a reasonable accommodation is granted, the
27 landlord may require the person making the request for a reasonable
28 accommodation to produce documentation, pursuant to subsection (c), of
29 the disability and disability-related need for the assistance animal on an
30 annual basis if the person making the request has a disability or disability-
31 related need for an assistance animal that is not readily apparent or known
32 to the landlord.

33 (d) A landlord shall not be liable for damages or injuries caused by a
34 person's assistance animal that is permitted on the landlord's property as a
35 reasonable accommodation to assist such person with a disability pursuant
36 to this section and applicable federal law.

1 (e) If a person obtains a reasonable accommodation under this section
2 through misrepresentation of a disability or disability-related need for an
3 assistance animal, or misrepresentation of an animal as an assistance
4 animal, the landlord may deem this act a material noncompliance by the
5 tenant with the rental agreement and proceed with actions allowed under
6 K.S.A. 58-2564 and 58-25,120, and amendments thereto.

7 (f) As used in this section:

8 (1) "Assistance animal" means an animal that qualifies as a
9 reasonable accommodation under section 504 of the rehabilitation act of
10 1973, as amended, 29 U.S.C. § 701, or any other federal, state or local law,
11 including an emotional support animal when such animal qualifies as a
12 reasonable accommodation.

13 (2) "Counselor" means a person who is currently licensed to practice
14 in Kansas as a licensed psychologist, licensed masters level psychologist,
15 licensed clinical psychologist, licensed clinical psychotherapist, licensed
16 clinical professional counselor or licensed master social worker.

17 (3) "Disability" means, with respect to a person:

18 (A) A physical or mental impairment that substantially limits one or
19 more of such person's major life activities;

20 (B) a record of having such impairment; or

21 (C) being regarded as having such an impairment. "Disability" does
22 not include current, illegal use of or addiction to a controlled substance, as
23 defined in section 102 of the controlled substance act, 21 U.S.C. § 802.

24 (4) "Physician" means a person who is licensed to practice medicine
25 and surgery in this state.

26 (g) This section shall be a part of and supplemental to article 11 of
27 chapter 39 of the Kansas Statutes Annotated, and amendments thereto.

28 Sec. 2. K.S.A. 2018 Supp. 39-1103 is hereby amended to read as
29 follows: 39-1103. Any person, firm, corporation, or the agent of any
30 person, firm or corporation, who denies or interferes with the exercise of
31 the rights recognized in K.S.A. 39-1101, 39-1102, 39-1107, 39-1108 or 39-
32 1109, *and amendments thereto, or section 2*, and amendments thereto, is
33 guilty of a misdemeanor.

34 Sec. 3. K.S.A. 2018 Supp. 39-1103 is hereby repealed.

35 Sec. 4. This act shall take effect and be in force from and after its
36 publication in the statute book.