

216.8C Finding of disability and need for an assistance animal or service animal in housing.

1. A licensee under [chapter 148](#), [148C](#), [152](#), [154B](#), [154C](#), or [154D](#) whose assistance is requested by a patient or client seeking a finding that an assistance animal or service animal as defined in [section 216.8B, subsection 1](#), is a reasonable accommodation in housing shall make a written finding regarding whether the patient or client has a disability and, if a disability is found, a separate written finding regarding whether the need for an assistance animal or service animal is related to the disability.

2. A licensee under [chapter 148](#), [148C](#), [152](#), [154B](#), [154C](#), or [154D](#) shall not make a finding under [subsection 1](#) unless all of the following circumstances are present:

- a. The licensee has met with the patient or client in person or by telemedicine.
- b. The licensee is sufficiently familiar with the patient or client and the disability.
- c. The licensee is legally and professionally qualified to make the finding.

3. The commission, in consultation with the consumer protection division of the office of the attorney general, shall adopt rules regarding the making of a written finding by licensees under [this section](#). The rules shall include a form for licensees to document the licensees' written finding. The form shall recite [this section's](#) requirements and comply with the federal Fair Housing Act, 42 U.S.C. §3601 et seq., as amended, and section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. §794, as amended. The form must contain only two questions regarding the qualifications of the patient or client, which shall be whether a person has a disability and whether the need for an assistance animal or service animal is related to the disability. The form must indicate that the responses must be limited to "yes" or "no". The form must not allow for additional detail.

4. A person who, in the course of employment, is asked to make a finding of disability and disability-related need for an assistance animal or service animal shall utilize the form created by the commission to document the person's written finding.

5. A landlord may deny a request for an exception to a pet policy if a person, who does not have a readily apparent disability, or a disability known to the landlord, fails to provide documentation indicating that the person has a disability and the person has a disability-related need for an assistance animal or service animal.

6. [This section](#) does not limit the means by which a person with a disability may demonstrate, pursuant to state or federal law, that the person has a disability or that the person has a disability-related need for an assistance animal or service animal.

[2019 Acts, ch 65, §3, 9, 10](#)