

House Amendment to
Senate File 2268

S-5087

1 Amend Senate File 2268, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <Section 1. Section 216.8B, Code 2024, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 **216.8B Assistance animals and service animals in housing.**

9 1. For purposes of this section, unless the context
10 otherwise requires:

11 a. "*Assistance animal*" means an animal that qualifies as a
12 reasonable accommodation under the federal Fair Housing Act, 42
13 U.S.C. §3601 et seq., as amended, or section 504 of the federal
14 Rehabilitation Act of 1973, 29 U.S.C. §794, as amended.

15 b. "*Service animal*" means a dog or miniature horse as set
16 forth in the implementing regulations of Tit. II and Tit. III
17 of the federal Americans with Disabilities Act of 1990, 42
18 U.S.C. §12101 et seq.

19 2. A person with a disability and a disability-related need
20 for an assistance animal or service animal may request from a
21 landlord to keep an assistance animal or service animal as a
22 reasonable accommodation in housing. Following a request for
23 accommodation, the landlord shall evaluate and respond to the
24 request within a reasonable amount of time.

25 3. If a person's disability or disability-related need for
26 an assistance animal is not readily apparent, the landlord
27 may request supporting information that reasonably supports
28 the person's need for the particular assistance animal being
29 requested. Supporting information may include documentation
30 identified in section 216.8C, subsection 1.

31 4. An assistance animal or service animal registration
32 of any kind, including but not limited to an identification
33 card, patch, certificate, or similar registration obtained
34 electronically or in person, is not sufficient information
35 to reliably establish that the person has a disability or

1 disability-related need for an assistance animal or service
2 animal.

3 5. If a person requests to keep more than one assistance
4 animal, the landlord may request information for each
5 assistance animal pursuant to section 216.8C, subsection 1.

6 6. Unless otherwise prohibited by state or federal law,
7 rule, or regulation, a landlord:

8 a. Shall not request information under this section that
9 discloses a diagnosis or severity of a person's disability or
10 any medical records relating to the disability, but a person
11 with a disability or legal guardian may voluntarily disclose
12 such information or medical records to the landlord at the
13 person with the disability or legal guardian's discretion.

14 b. Shall make reasonable accommodations in the landlord's
15 rules, policies, practices, and services normally required
16 for pets, for the assistance animal or service animal of a
17 person with a disability when the accommodations are necessary
18 to afford the person equal opportunity to use and enjoy a
19 dwelling.

20 c. May deny a request for an accommodation for an assistance
21 animal or service animal if any of the following are true:

22 (1) Providing the accommodation would impose an undue
23 financial and administrative hardship on the landlord.

24 (2) Providing the accommodation would fundamentally alter
25 the nature of the landlord's operations.

26 (3) The assistance animal or service animal would do any of
27 the following:

28 (a) Pose a direct threat to the safety or health of
29 others that cannot be reduced or eliminated by a reasonable
30 accommodation.

31 (b) Cause substantial physical damage to the property of
32 others that cannot be reduced or eliminated by a reasonable
33 accommodation.

34 (4) Providing the accommodation is not otherwise
35 reasonable.

1 *d.* May require proof of compliance with state and local
2 licensure and vaccination requirements for each assistance
3 animal or service animal.

4 *e.* Shall provide a written determination regarding the
5 person's request for an assistance animal.

6 7. A tenant with a disability and a disability-related
7 need for an assistance animal shall, upon receipt of a request
8 for documentation for an accommodation for an assistance
9 animal consistent with this section, provide that landlord
10 with the documentation requested for a determination on the
11 accommodation request.

12 8. A tenant with a disability and a disability-related need
13 for an assistance animal or service animal shall be liable for
14 any damage done by the tenant's assistance animal or service
15 animal to the leased premises, the landlord's property, or any
16 other person's property, or to another person on the leased
17 premises, the landlord's property, or any other person's
18 property, as well as any applicable remedies available pursuant
19 to chapter 562A or chapter 562B.

20 9. This section does not limit the means by which a person
21 with a disability may demonstrate, pursuant to state or federal
22 law, that the person has a disability or that the person has
23 a disability-related need for an assistance animal or service
24 animal.

25 10. This section shall not be construed to restrict existing
26 federal law related to a person's right to a reasonable
27 accommodation and equal access to housing, including but not
28 limited to the federal Fair Housing Act.

29 Sec. 2. Section 216.8C, Code 2024, is amended by striking
30 the section and inserting in lieu thereof the following:

31 **216.8C Finding of disability and need for an assistance**
32 **animal in housing.**

33 1. Upon a request for documentation pursuant to section
34 216.8B, subsection 3, a licensee under chapter 148, 148C, 152,
35 154B, 154C, or 154D, or a licensee of another state who is

1 licensed under a similar law and who is in good standing with
2 that state, shall make a written finding that includes all of
3 the following:

4 a. Whether the patient or client has a disability.

5 b. Whether the patient has a disability-related need for an
6 assistance animal.

7 c. The particular assistance provided by the assistance
8 animal, if any.

9 d. Certification whether the provider-patient relationship
10 has existed, in person or telehealth, for at least thirty days
11 between the licensee and the patient or client.

12 e. Certification whether the licensee is familiar with
13 the person and the disability prior to providing the written
14 finding.

15 f. The date the finding was issued by the licensee and the
16 date the finding will expire.

17 g. The license number and type of license held by the
18 licensee.

19 h. Whether the licensee received a separate or additional
20 fee or other form of compensation solely in exchange for making
21 the written finding required under this section.

22 2. The written finding must be made within twelve months of
23 the start of a rental agreement and is valid for a period of
24 twelve months or the term of the rental agreement, whichever
25 is greater.

26 3. A licensee under chapter 148, 148C, 152, 154B, 154C, or
27 154D may be subject to disciplinary action from the licensee's
28 licensing board for a violation of this section.

29 4. The commission shall create a form in compliance
30 with this section and provide the form to the public on the
31 commission's website.

32 5. The commission shall offer training and consultation to
33 the governing boards under chapter 148, 148C, 152, 154B, 154C,
34 or 154D.

35 6. This section does not limit the means by which a person

1 with a disability may demonstrate, pursuant to state or federal
2 law, that the person has a disability or that the person has a
3 disability-related need for an assistance animal.>