

**House File 2068 - Introduced**

HOUSE FILE 2068

BY SALMON

**A BILL FOR**

1 An Act relating to service animals and assistance animals in  
2 rented housing and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216.8B, Code 2022, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5. A person who knowingly and willfully  
4 misrepresents, through conduct, verbal notice, or written  
5 notice, as using and being qualified to use a service animal or  
6 an assistance animal to obtain a benefit under this section is,  
7 upon conviction, guilty of a simple misdemeanor.

8 Sec. 2. Section 216.8C, subsections 1 and 5, Code 2022, are  
9 amended to read as follows:

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

19 5. A landlord may request information necessary to verify  
20 and may deny a request for an exception to a pet policy if for  
21 any of the following reasons:

22 a. If the assistance animal or service animal poses a direct  
23 threat to the safety or health of others or poses a direct  
24 threat of physical damage to the property of others, which  
25 threat cannot be reduced or eliminated by another reasonable  
26 accommodation.

27 b. If a person, who does not have a readily apparent  
28 disability, or a disability known to the landlord, fails  
29 to provide documentation indicating that the person has a  
30 disability and the person has a disability-related need for an  
31 each assistance animal or service animal requested to be kept.

32 c. If the person does not provide proof of compliance with  
33 state and local requirements for licensing and vaccinating each  
34 assistance animal or service animal.

35 Sec. 3. Section 216.8C, Code 2022, is amended by adding the

1 following new subsections:

2 NEW SUBSECTION. 6. An assistance animal or service  
3 animal registration of any kind, including but not limited  
4 to an identification card, patch, certificate, or similar  
5 registration obtained from the internet is not, by itself,  
6 sufficient information to establish that a person has a  
7 disability or a disability-related need for an assistance  
8 animal or service animal.

9 NEW SUBSECTION. 7. For purposes of this section,  
10 "*assistance animal*" and "*service animal*" mean the same as  
11 defined in section 216.8B, 13 subsection 1.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with  
14 the explanation's substance by the members of the general assembly.

15 This bill relates to service animals and assistance animals  
16 in rented housing.

17 The bill provides that a person who knowingly and willfully  
18 misrepresents as using and being qualified to use a service  
19 animal or an assistance animal to obtain the waiver of lease  
20 restrictions or additional payments normally required for  
21 the keeping of pets is guilty, upon conviction, of a simple  
22 misdemeanor. A person convicted of a simple misdemeanor may be  
23 fined a minimum of \$105 and a maximum of \$855. The court may  
24 order imprisonment not to exceed 30 days in lieu of a fine or  
25 in addition to a fine.

26 The bill allows a landlord to prohibit a service animal  
27 or assistance animal if the animal poses a direct threat to  
28 the safety, health, or property of others and to request  
29 written documentation that reasonably supports that the person  
30 has a disability. If a person requests to keep more than  
31 one assistance or service animal, the landlord may request  
32 information regarding the specific need for each animal and may  
33 require proof of licensing and vaccination requirements for  
34 each animal. Current law provides that a landlord may deny  
35 a request for an exception to a pet policy if a person, who

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1 does not have a readily apparent disability, or a disability  
2 known to the landlord, fails to provide documentation  
3 indicating that the person has a disability and the person has  
4 a disability-related need for an assistance animal or service  
5 animal.