

House File 2486 - Introduced

HOUSE FILE 2486
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2068)

A BILL FOR

1 An Act relating to accommodations in housing provided to
2 persons with a disability-related need for assistance
3 animals and service animals, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216.8A, subsection 3, paragraph c,
2 subparagraph (1), Code 2022, is amended to read as follows:

3 (1) A refusal to permit, at the expense of the person with
4 a disability, reasonable modifications of existing premises
5 occupied or to be occupied by the person if the modifications
6 are necessary to afford the person full enjoyment of the
7 premises. However, it is not discrimination for a ~~landlord~~
8 housing provider, in the case of a rental and where reasonable
9 to do so, to condition permission for a modification on the
10 renter's agreement to restore the interior of the premises to
11 the condition that existed before the modification, reasonable
12 wear and tear excepted.

13 Sec. 2. Section 216.8B, subsections 2 and 3, Code 2022, are
14 amended to read as follows:

15 2. A ~~landlord~~ housing provider shall waive make
16 accommodations in the housing provider's rules, policies,
17 practices, and services, including lease restrictions and
18 additional payments normally required for pets, ~~on the keeping~~
19 ~~of animals~~ for the assistance animal or service animal of a
20 person with a disability when the accommodations are reasonable
21 and necessary to afford the person equal opportunity to use and
22 enjoy a dwelling.

23 3. A renter is liable for damage done to any dwelling or
24 common area by an assistance animal or service animal.

25 Sec. 3. Section 216.8B, Code 2022, is amended by adding the
26 following new subsections:

27 NEW SUBSECTION. 3A. A housing provider may deny a request
28 for an accommodation relating to an assistance animal or
29 service animal for any of the following reasons:

30 a. Providing the accommodation would impose an undue
31 financial and administrative burden on the housing provider.

32 b. Providing the accommodation would fundamentally alter the
33 nature of the housing provider's operations.

34 c. The specific assistance animal in question poses a direct
35 threat to the health or safety of others that cannot be reduced

1 or eliminated by another reasonable accommodation, or would
2 cause substantial physical damage to the property of others
3 that cannot be reduced or eliminated by another reasonable
4 accommodation.

5 *d.* Providing the accommodation is not otherwise reasonable.

6 NEW SUBSECTION. 5. A person who knowingly and intentionally
7 misrepresents an animal as an assistance animal or service
8 animal, or provides to a housing provider material information
9 regarding a claimed assistance animal or service animal that is
10 false is, upon conviction, guilty of a simple misdemeanor.

11 Sec. 4. Section 216.8C, subsections 2, 3, and 5, Code 2022,
12 are amended to read as follows:

13 2. *a.* A licensee under [chapter 148](#), [148C](#), [152](#), [154B](#), [154C](#),
14 or [154D](#) shall not make a finding under [subsection 1](#) unless all
15 of the following circumstances are present and such written
16 finding must include an express confirmation by the licensee
17 that such circumstances are present:

18 ~~*a.*~~ (1) The licensee has met with the patient or client in
19 person or by telemedicine within the past six months.

20 ~~*b.*~~ (2) The licensee has a bona fide provider-patient
21 relationship, and is sufficiently familiar with the patient or
22 client and the disability.

23 ~~*c.*~~ (3) The licensee is legally and professionally qualified
24 to make the finding.

25 (4) The licensee maintains a physical location in Iowa where
26 patients are treated.

27 (5) The licensee has not received a separate or additional
28 fee or other form of compensation solely in exchange for making
29 the finding.

30 *b.* If a written finding does not comply with the
31 requirements of this subsection, a housing provider may deny
32 the request for an assistance animal or service animal unless
33 and until the written finding complies with such requirements.

34 3. The commission, in consultation with the consumer
35 protection division of the office of the attorney general,

1 shall adopt rules regarding the making of a written finding
2 by licensees under this section. The rules shall include a
3 form for licensees to document the licensees' written finding.
4 The form shall recite this section's requirements and comply
5 with the federal Fair Housing Act, 42 U.S.C. §3601 et seq., as
6 amended, and section 504 of the federal Rehabilitation Act of
7 1973, 29 U.S.C. §794, as amended. The form must contain only
8 two questions regarding the qualifications of the patient or
9 client, which shall be whether a person has a disability and
10 whether the need for an assistance animal or service animal is
11 related to the disability. The form must indicate that the
12 responses must be limited to "yes" or "no". The form must not
13 allow for additional detail. The form must also set forth the
14 requirements under subsection 2 and indicate that the licensee
15 confirms that all such circumstances are present, with a "yes"
16 or "no".

17 5. A ~~landlord~~ housing provider may deny a request for an
18 exception to a pet policy or other requested accommodation
19 related to a service animal or assistance animal if a
20 person, who does not have a readily apparent disability, or
21 a disability known to the ~~landlord~~ housing provider, fails
22 to provide documentation indicating that the person has a
23 disability and the person has a disability-related need for ~~an~~
24 the type and number of assistance animal animals or service
25 ~~animal~~ animals requested by the person.

26 Sec. 5. Section 216.8C, Code 2022, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 7. A written finding provided by a licensee
29 under this section is effective for two years after the date of
30 such written finding, unless otherwise set forth in the written
31 finding.

32 EXPLANATION

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

35 This bill relates to reasonable housing accommodations

1 for persons with assistance animals or service animals. The
2 bill replaces the term "landlord" with "housing provider" in
3 Code chapter 216. The bill provides that a housing provider
4 make accommodations in its rules, policies, practices, and
5 services for a person with an assistance or service animal that
6 needs reasonable accommodations to afford the person equal
7 opportunity to use and enjoy the dwelling. Under current law,
8 a housing provider is only required to waive lease restrictions
9 and additional pet payments for a person with an assistance or
10 service animal.

11 The bill provides that a housing provider may deny an
12 accommodation request when granting the request would impose
13 undue financial and administrative burden on the housing
14 provider, would fundamentally change the nature of the housing
15 provider's operations, the specific animal in question poses a
16 threat to health or safety of others that cannot be reduced or
17 eliminated or would cause substantial physical damage to the
18 property, or an accommodation is not otherwise reasonable.

19 The bill provides that a person who misrepresents an animal
20 as an assistance or service animal or provides the housing
21 provider with false information regarding a claimed assistance
22 or service animal commits a simple misdemeanor. A simple
23 misdemeanor is punishable by confinement for no more than 30
24 days and a fine of at least \$105 but not more than \$855.

25 The bill provides that a written finding that an assistance
26 animal or service animal is a reasonable accommodation
27 in housing from an approved licensee must include express
28 confirmation that the licensee has met with the person within
29 the past six months, the pair has a bona fide provider-patient
30 relationship, the licensee has a physical Iowa location, and
31 the licensee has not received compensation for making the
32 finding. A housing provider may deny a request for a service
33 animal or assistance animal accommodation for the type and
34 number of animals requested by the person if the person failed
35 to provide documentation or has a disability that is not

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1 readily apparent or known to the housing provider.