

**House File 90 - Introduced**

HOUSE FILE 90

BY SALMON

**A BILL FOR**

1 An Act prohibiting discrimination in housing provided to  
2 persons with a disability or disability-related need for an  
3 assistance animal and providing penalties.

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

1 Section 1. Section 147.55, Code 2021, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 7A. Knowingly disclosing the diagnosis  
4 or severity of a person's disability or any medical records  
5 relating to the disability to a landlord in violation of  
6 section 216.8C.

7 Sec. 2. Section 216.2, Code 2021, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 11A. "*Landlord*" means any person engaging  
10 in conduct covered by the federal Fair Housing Act, 42 U.S.C.  
11 §3601 et seq., as amended, or section 504 of the federal  
12 Rehabilitation Act of 1973, 29 U.S.C. §794, as amended,  
13 including the owner or lessor of a dwelling.

14 Sec. 3. Section 216.8B, subsection 1, paragraph a, Code  
15 2021, is amended to read as follows:

16 *a.* "*Assistance animal*" means an animal that qualifies as a  
17 reasonable accommodation under the federal Fair Housing Act,  
18 42 U.S.C. §3601 et seq., as amended, or section 504 of the  
19 federal Rehabilitation Act of 1973, 29 U.S.C. §794, as amended,  
20 including an animal that does not require training to do work,  
21 perform tasks, provide assistance, or provide therapeutic  
22 emotional support by virtue of the animal's presence which  
23 alleviates one or more identified symptoms or effects of a  
24 person's disability.

25 Sec. 4. Section 216.8B, subsection 3, Code 2021, is amended  
26 to read as follows:

27 3. A renter is liable for damage done to any dwelling or  
28 to another person on the premises by an assistance animal or  
29 service animal.

30 Sec. 5. Section 216.8B, Code 2021, is amended by adding the  
31 following new subsection:

32 NEW SUBSECTION. 5. A person who knowingly and willfully  
33 misrepresents, through conduct, verbal notice, or written  
34 notice, as using a service animal and being qualified to use a  
35 service animal, or an assistance animal under this section is,

1 upon conviction, guilty of a simple misdemeanor.

2 Sec. 6. Section 216.8C, subsection 5, Code 2021, is amended  
3 to read as follows:

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

7 a. If the assistance or service animal poses a direct threat  
8 to the safety or health of others or poses a direct threat of  
9 physical damage to the property of others, which threat cannot  
10 be reduced or eliminated by another reasonable accommodation.

11 b. If a person, who does not have a readily apparent  
12 disability, or a disability known to the landlord, fails  
13 to provide documentation indicating that the person has a  
14 disability and the person has a disability-related need for an  
15 each assistance animal or service animal requested to be kept.

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

19 Sec. 7. Section 216.8C, Code 2021, is amended by adding the  
20 following new subsections:

21 NEW SUBSECTION. 6. Notwithstanding the authority to  
22 request information under subsection 5, a landlord shall not  
23 request information that discloses the diagnosis or severity of  
24 a person's disability or any medical records relating to the  
25 disability. However, a person may disclose such information or  
26 medical records to the landlord at the person's discretion.

27 NEW SUBSECTION. 7. An assistance animal or service  
28 animal registration of any kind, including but not limited  
29 to an identification card, patch, certificate, or similar  
30 registration obtained from the internet is not, by itself,  
31 sufficient information to reliably establish that a person has  
32 a disability or a disability-related need for an assistance  
33 animal or service animal.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 The bill prohibits a landlord, to the extent required  
3 by federal law, rule, or regulation, to deny housing to a  
4 person with a disability or a disability-related need who has  
5 an animal that is required as support. Under current law,  
6 assistance animals are allowed as long as such animals qualify  
7 as reasonable accommodations under the federal Fair Housing  
8 Act. The bill defines assistance animal as an animal that is  
9 not required to be trained to assist a person with a disability  
10 but, by virtue of its presence, provides support to alleviate  
11 one or more identified symptoms or effects of a person's  
12 disability.

13 The bill provides that certain licensed medical providers  
14 are prohibited from disclosing the diagnosis or severity of  
15 a person's disability or any medical records relating to the  
16 disability to a landlord without the consent of the patient  
17 and are subject to licensing board discipline for violations  
18 of this provision.

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

26 The bill allows a landlord to prohibit the animal if the  
27 animal poses a direct threat to the safety, health, or property  
28 of others and to request written documentation that reasonably  
29 supports that the person has a disability. If a person  
30 requests to keep more than one assistance animal, the landlord  
31 may request information regarding the specific need for each  
32 animal and may require proof of licensing and vaccination  
33 requirements for each animal. Current law provides that a  
34 landlord may deny a request for an exception to a pet policy  
35 if a person, who does not have a readily apparent disability,

1 or a disability known to the landlord, fails to provide  
2 documentation indicating that the person has a disability and  
3 the person has a disability-related need for an assistance  
4 animal or service animal.

5 The bill prohibits a landlord to request information that  
6 discloses the diagnosis or severity of a person's disability or  
7 any medical records relating to the disability.