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

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

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

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

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

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

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

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

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

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

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

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

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

b. 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 requested to be kept.

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

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

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

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

EXPLANATION

The inclusion of this explanation does not constitute agreement with
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The bill prohibits a landlord, to the extent required by federal law, rule, or regulation, to deny housing to a person with a disability or a disability-related need who has an animal that is required as support. Under current law, assistance animals are allowed as long as such animals qualify as reasonable accommodations under the federal Fair Housing Act. The bill defines assistance animal as an animal that is not required to be trained to assist a person with a disability but, by virtue of its presence, provides support to alleviate one or more identified symptoms or effects of a person's disability.

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

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

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