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

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

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

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

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

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

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

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

b. Providing the accommodation would fundamentally alter the nature of the housing provider’s operations.

c. The specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced
or eliminated by another reasonable accommodation, or would
cause substantial physical damage to the property of others
that cannot be reduced or eliminated by another reasonable
accommodation.

d. Providing the accommodation is not otherwise reasonable.

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

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

2. a. A licensee under chapter 148, 148C, 152, 154B, 154C,
or 154D shall not make a finding under subsection 1 unless all
of the following circumstances are present and such written
finding must include an express confirmation by the licensee
that such circumstances are present:

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

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

(3) The licensee is legally and professionally qualified
to make the finding.

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

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

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

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

5. A landlord housing provider may deny a request for an exception to a pet policy or other requested accommodation related to a service animal or assistance animal if a person, who does not have a readily apparent disability, or a disability known to the landlord housing provider, fails to provide documentation indicating that the person has a disability and the person has a disability-related need for an animal animals requested by the person.

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

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

EXPLANATION

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

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

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

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

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