

Senate File 2268 - Introduced

SENATE FILE 2268

BY WEBSTER

A BILL FOR

1 An Act relating to assistance animals and service animals,
2 including reasonable accommodations for housing and
3 requirements for findings of disabilities.

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

1 Section 1. Section 216.8B, Code 2024, is amended to read as
2 follows:

3 **216.8B Assistance animals and service animals in housing —**
4 **penalty.**

5 1. For purposes of [this section](#), unless the context
6 otherwise requires:

7 *a. "Assistance animal"* means an animal that qualifies as a
8 reasonable accommodation under the federal Fair Housing Act, 42
9 U.S.C. §3601 et seq., as amended, or section 504 of the federal
10 Rehabilitation Act of 1973, 29 U.S.C. §794, as amended.

11 *b. "Service animal"* means a dog or miniature horse as set
12 forth in the implementing regulations of Tit. II and Tit. III
13 of the federal Americans with Disabilities Act of 1990, 42
14 U.S.C. §12101 et seq.

15 ~~2. A landlord shall waive lease restrictions and additional~~
16 ~~payments normally required for pets on the keeping of~~
17 ~~animals for the assistance animal or service animal of a~~
18 ~~person with a disability. A person with a disability and a~~
19 ~~disability-related need for an assistance animal or service~~
20 ~~animal may request from a landlord to keep an assistance animal~~
21 ~~or service animal as a reasonable accommodation in housing.~~
22 ~~Following a request for accommodation, the landlord shall~~
23 ~~evaluate and respond to the request within a reasonable amount~~
24 ~~of time.~~

25 ~~3. A renter is liable for damage done to any dwelling~~
26 ~~by an assistance animal or service animal. If a person's~~
27 ~~disability or disability-related need for an assistance animal~~
28 ~~or service animal is not readily apparent, the landlord may~~
29 ~~request supporting information that reasonably supports the~~
30 ~~person's need for the particular assistance animal or service~~
31 ~~animal being requested. Supporting information may include~~
32 ~~documentation identified in section 216.8C, subsection 1.~~

33 ~~4. A person who knowingly denies or interferes with the~~
34 ~~right of a person with a disability under [this section](#) is, upon~~
35 ~~conviction, guilty of a simple misdemeanor. An assistance~~

1 animal or service animal registration of any kind, including
2 but not limited to an identification card, patch, certificate,
3 or similar registration obtained electronically or in person,
4 is not sufficient information to reliably establish that the
5 person has a disability or disability-related need for an
6 assistance animal or service animal.

7 5. If a person requests to keep more than one assistance
8 animal or service animal, the landlord may request information
9 for each assistance animal or service animal pursuant to
10 section 216.8C, subsection 1.

11 6. Unless otherwise prohibited by state or federal law,
12 rule, or regulation, a landlord:

13 a. Shall not request information under this section that
14 discloses a diagnosis or severity of a person's disability or
15 any medical records relating to the disability, but a person
16 with a disability or legal guardian may voluntarily disclose
17 such information or medical records to the landlord at the
18 person with the disability or legal guardian's discretion.

19 b. Shall make reasonable accommodations in the landlord's
20 rules, policies, practices, and services, including lease
21 restrictions and additional payments normally required for
22 pets, for the assistance animal or service animal of a person
23 with a disability when the accommodations are necessary
24 to afford the person equal opportunity to use and enjoy a
25 dwelling.

26 c. May deny a request for an accommodation for an assistance
27 animal or service animal if any of the following are true:

28 (1) Providing the accommodation would impose an undue
29 financial and administrative hardship on the landlord.

30 (2) Providing the accommodation would fundamentally alter
31 the nature of the landlord's operations.

32 (3) The assistance animal or service animal would do any of
33 the following:

34 (a) Pose a direct threat to the safety or health of
35 others that cannot be reduced or eliminated by a reasonable

1 accommodation.

2 (b) Cause substantial physical damage to the property of
3 others that cannot be reduced or eliminated by a reasonable
4 accommodation.

5 (4) Providing the accommodation is not otherwise
6 reasonable.

7 d. May require proof of compliance with state and local
8 licensure and vaccination requirements for each assistance
9 animal or service animal.

10 e. Shall provide a written determination regarding the
11 person's request for an assistance animal or service animal.

12 7. A tenant with a disability and a disability-related need
13 for an assistance animal or service animal shall:

14 a. Upon receipt of a request for documentation consistent
15 with this section, provide the landlord with the documentation
16 requested for a determination on the accommodation request.

17 b. Be liable for any damage done to the premises or to
18 another person on the premises by the tenant's assistance
19 animal or service animal and any applicable remedies available
20 pursuant to chapter 562A or chapter 562B.

21 8. This section does not limit the means by which a person
22 with a disability may demonstrate, pursuant to state or federal
23 law, that the person has a disability or that the person has
24 a disability-related need for an assistance animal or service
25 animal.

26 9. This section shall not be construed to restrict existing
27 federal law related to a person's right to a reasonable
28 accommodation and equal access to housing, including but not
29 limited to the federal Fair Housing Act.

30 **Sec. 2. Section 216.8C, Code 2024, is amended by striking**
31 **the section and inserting in lieu thereof the following:**

32 **216.8C Finding of disability and need for an assistance**
33 **animal or service animal in housing.**

34 **1. Upon a request for documentation pursuant to section**
35 **216.8B, subsection 3, a licensee under chapter 148, 148C, 152,**

1 154B, 154C, or 154D shall make a written finding that includes
2 all of the following:

3 *a.* Whether the patient or client has a disability.

4 *b.* Whether the patient has a disability-related need for an
5 assistance animal or service animal.

6 *c.* The particular assistance provided by the assistance
7 animal or service animal, if any.

8 *d.* Certification whether the provider-patient relationship
9 has existed, in person or telehealth, for at least thirty days
10 between the licensee and the patient or client.

11 *e.* Certification whether the licensee is familiar with
12 the person and the disability prior to providing the written
13 finding.

14 *f.* The date the finding was issued by the licensee and the
15 date the finding will expire.

16 *g.* The license number and type of license held by the
17 licensee.

18 *h.* State whether the licensee received a separate or
19 additional fee or other form of compensation solely in exchange
20 for making the written finding required under this section.

21 2. The written finding must be made within twelve months of
22 the start of a rental agreement and is valid for a period of
23 twelve months or the term of the rental agreement, whichever
24 is greater.

25 3. A licensee under chapter 148, 148C, 152, 154B, 154C, or
26 154D may be subject to disciplinary action from the licensee's
27 licensing board for a violation of this section.

28 4. The commission shall create a form in compliance
29 with this section and provide the form to the public on the
30 commission's website.

31 5. The commission shall offer training and consultation to
32 the governing boards under chapter 148, 148C, 152, 154B, 154C,
33 or 154D.

34 6. This section does not limit the means by which a person
35 with a disability may demonstrate, pursuant to state or federal

1 law, that the person has a disability or that the person has
2 a disability-related need for an assistance animal or service
3 animal.

4 EXPLANATION

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

7 This bill relates to reasonable housing accommodations for
8 persons with assistance animals or service animals.

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

18 Under current law, a person who knowingly denies or
19 interferes with the right of a person with a disability, upon
20 conviction, is guilty of a simple misdemeanor. The bill
21 removes this criminal penalty.

22 The bill requires that a written finding that an assistance
23 animal or service animal is a reasonable accommodation
24 in housing from an approved licensee must include express
25 confirmation that the licensee has met with the person within
26 the past 30 days, the pair has a provider-patient relationship,
27 the licensee is familiar with the person and the disability
28 prior to providing the written finding, provides the issuance
29 and expiration date of the licensee's finding, provides the
30 licensee's license number and type of license held by the
31 licensee, and that the licensee has not received compensation
32 for making the finding.

33 The bill provides that the written finding shall be made
34 within 12 months of the start of a rental agreement and is
35 valid for a period of 12 months or the term of the rental

1 agreement, whichever is greater.

2 The bill instructs the commission on civil rights to create
3 a form in compliance with Code section 216.8C that is available
4 on the commission's website. The commission is also required
5 to offer training and consultation to the governing boards of
6 the license under Code chapter 148 (medicine and surgery and
7 osteopathic medicine and surgery), 148C (physician assistants),
8 152 (nursing), 154B (psychology), 154C (social work), or 154D
9 (behavioral science).