SENATE FILE 2268
BY WEBSTER

(As Amended and Passed by the Senate February 19, 2024)

_____ = New Language by the Senate

A BILL FOR

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

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

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

216.8B Assistance animals and service animals in housing — ~~penalty~~.

1. For purposes of this section, unless the context otherwise requires:

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.

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

2. ~~A landlord shall waive 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.~~ A person with a disability and a disability-related need for an assistance animal or service animal may request from a landlord to keep an assistance animal or service animal as a reasonable accommodation in housing. Following a request for accommodation, the landlord shall evaluate and respond to the request within a reasonable amount of time.

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

4. ~~A person who knowingly denies or interferes with the right of a person with a disability under this section is, upon conviction, guilty of a simple misdemeanor.~~ An assistance

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

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

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

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

b. Shall make reasonable accommodations in the landlord's rules, policies, practices, and services normally required for pets, for the assistance animal or service animal of a person with a disability when the accommodations are necessary to afford the person equal opportunity to use and enjoy a dwelling.

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

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

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

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

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

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

(4) Providing the accommodation is not otherwise reasonable.

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

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

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

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

b. Be liable for any damage done to the leased premises, the landlord's property, any other person's property, or to another person on the leased premises, the landlord's property, any other person's property by the tenant's assistance animal or service animal and any applicable remedies available pursuant to chapter 562A or chapter 562B.

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

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

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

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

1. Upon a request for documentation pursuant to section

216.8B, subsection 3, a licensee under chapter 148, 148C, 152, 154B, 154C, or 154D shall make a written finding that includes all of the following:

a. Whether the patient or client has a disability.

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

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

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

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

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

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

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

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

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

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

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

6. This section does not limit the means by which a person

with a disability may demonstrate, pursuant to state or federal law, that the person has a disability or that the person has a disability-related need for an assistance animal or service animal.