

1 HB198
2 189435-3
3 By Representatives Fridy and Lovvorn
4 RFD: Public Safety and Homeland Security
5 First Read: 11-JAN-18

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2 ENROLLED, An Act,

3 Relating to service animals; to create the Alabama
4 Assistance and Service Animal Integrity In Housing Act; to
5 provide certain definitions and to create requirements for
6 documentation of the need for a service animal in housing; to
7 provide for the offenses of misrepresentation of entitlement
8 to an assistance animal or service animal and the
9 misrepresentation of an animal as an assistance animal or
10 service animal; to provide penalties; and in connection
11 therewith would have as its purpose or effect the requirement
12 of a new or increased expenditure of local funds within the
13 meaning of Amendment 621 of the Constitution of Alabama of
14 1901, now appearing as Section 111.05 of the Official
15 Recompilation of the Constitution of Alabama of 1901, as
16 amended.; and in connection therewith to have as its purpose
17 or effect the requirement of a new or increased expenditure of
18 local funds within the meaning of Amendment 621 of the
19 Constitution of Alabama of 1901, now appearing as Section
20 111.05 of the Official Recompilation of the Constitution of
21 Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. This act shall be known and may be cited
24 as the Alabama Assistance and Service Animal Integrity in
25 Housing Act.

1 Section 2. For the purposes of this act, the
2 following terms shall have the following meanings:

3 (1) ASSISTANCE ANIMAL. An animal, other than a
4 service animal, that qualifies as a reasonable accommodation
5 under the Fair Housing Act, Public Law 90-284, 42 U.S.C.
6 Section 3601, et seq., or Section 504 of the Rehabilitation
7 Act of 1973, Public Law 93-112, 29 U.S.C. Section 794. This
8 term includes an emotional support animal when the animal
9 qualifies as a reasonable accommodation.

10 (2) DISABILITY. A physical or mental impairment
11 which substantially limits one or more major life activities.

12 (3) LANDLORD. A person or company that owns,
13 manages, or enforces pet policies in housing subject to the
14 Fair Housing Act or the Rehabilitation Act of 1973.

15 (4) RELIABLE DOCUMENTATION. Documentation allowed to
16 be requested upon receipt of a request for reasonable
17 accommodation under the Fair Housing Act or Section 503 of the
18 Rehabilitation Act of 1973. The term only includes
19 documentation from a medical provider of the person in need of
20 the reasonable accommodation.

21 (5) SERVICE ANIMAL. An animal, other than an
22 assistance animal, that qualifies as a service animal under
23 the Americans with Disabilities Act of 1990. The term includes
24 those animals being trained to be a service animal.

1 Section 3. (a) A landlord who receives a request
2 from a person to make an exception to a policy of the landlord
3 that prohibits animals on the property of the landlord because
4 the person requires the use of an assistance animal may
5 require the person to produce reliable documentation of the
6 following:

7 (1) ~~The~~ A disability, only if the disability is not
8 readily apparent or known to the landlord.

9 (2) ~~The~~ A disability-related need for the animal,
10 only if the disability-related need is not readily apparent or
11 known to the landlord.

12 (b) All documentation obtained pursuant to this
13 section must be kept confidential in accordance with the Fair
14 Housing Act and the Rehabilitation Act of 1973.

15 Section 4. (a) A person commits the offense of
16 misrepresentation of entitlement to an assistance animal or
17 service animal if the person intentionally does either of the
18 following:

19 (1) Misrepresents to another person that a person
20 has a disability or disability-related need for the use of an
21 assistance animal or service animal in housing.

22 (2) Makes materially false statements for the
23 purpose of obtaining documentation for the use of an
24 assistance animal or service animal in housing.

1 (b) (1) Upon a first offense, a violation of
2 subsection (a) shall be subject to a civil penalty of five
3 hundred dollars (\$500) or deemed a Class C misdemeanor.

4 (2) Upon a second or subsequent offense, a violation
5 of subsection (a) shall be a Class B misdemeanor.

6 Section 5. (a) A person commits the offense of
7 misrepresentation of an animal as an assistance animal or
8 service animal if a person intentionally does any of the
9 following:

10 (1) Creates a document that misrepresents an animal
11 as an assistance animal or service animal for use in housing.

12 (2) Provides a document to another person falsely
13 stating that an animal is an assistance animal or service
14 animal for use in housing.

15 (3) Fits an animal, which is not an assistance
16 animal or service animal, with a harness, collar, vest, or
17 sign that the pet is an assistance animal or service animal
18 for use in housing.

19 (b) (1) Upon a first offense, a violation of
20 subsection (a) shall be subject to a civil penalty of five
21 hundred dollars (\$500) or deemed a Class C misdemeanor.

22 (2) Upon a second or subsequent offense, a violation
23 of subsection (a) shall be a Class B misdemeanor.

24 Section 6. Although this bill would have as its
25 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, now
3 appearing as Section 111.05 of the Official Recompilation of
4 the Constitution of Alabama of 1901, as amended, because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

7 Section 7. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 30-JAN-18.

Jeff Woodard
Clerk

Senate	06-MAR-18	Amended and Passed
House	06-MAR-18	Concurred in Senate Amendment