

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2049 Session of 2018

INTRODUCED BY MOUL, MILLARD, M. K. KELLER, O'NEILL, WARD, ROTHMAN, ZIMMERMAN AND WATSON, FEBRUARY 2, 2018

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 12, 2018

AN ACT

1 Providing for requirements for documentation of the need for an
2 assistance animal or service animal in housing and for the
3 offenses of misrepresentation of entitlement to assistance
4 animal or service animal and misrepresentation of animal as
5 assistance animal or service animal.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the ASSISTANCE <--
10 AND Service Animal Integrity Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Assistance animal." An animal, other than a service animal,
16 that qualifies as a reasonable accommodation under the Fair
17 Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et seq.),
18 section 504 of the Rehabilitation Act of 1973 (Public Law 93-
19 112, 29 U.S.C. § 701 et seq.) or local law. The term includes an

1 emotional support animal when the animal qualifies as a
2 reasonable accommodation.

3 "ASSOCIATION." THE OWNERS ASSOCIATION ESTABLISHED TO OPERATE <--
4 A CONDOMINIUM, COOPERATIVE OR PLANNED COMMUNITY LOCATED IN THIS
5 COMMONWEALTH.

6 "Disability." A physical or mental impairment which
7 substantially limits one or more major life activities.

8 "Service animal." An animal, other than an assistance
9 animal, that qualifies as a service animal under the Americans
10 with Disabilities Act of 1990 (Public Law 101-336, 104 Stat.
11 327) or as a guide or support animal under the act of October
12 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human
13 Relations Act or local law.

14 Section 3. Documentation of disability and disability-related
15 need.

16 (a) Right to request documentation.--A landlord ~~who~~ OR <--
17 ASSOCIATION THAT receives a request from a person to make an
18 exception to the landlord's OR ASSOCIATION'S policy prohibiting <--
19 animals or limiting the size, weight, breed or number of animals
20 on the landlord's property OR WITHIN PROPERTY CONTROLLED BY THE <--
21 ASSOCIATION because the person requires the use of an assistance
22 animal or service animal may require the person to produce
23 documentation of the disability and disability-related need for
24 the animal only if the disability or disability-related need is
25 not readily apparent or known to the landlord- OR, IN THE CASE <--
26 OF AN ASSOCIATION, THE EXECUTIVE BOARD OF THE ASSOCIATION.

27 (b) Minimum standards.--Any documentation proving that a
28 person is disabled and requires the use of an assistance animal
29 or service animal as a reasonable accommodation in housing under
30 the Fair Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et

1 seq.), the Rehabilitation Act of 1973 (Public Law 93-112, 29
2 U.S.C. § 701 et seq.), the Americans with Disabilities Act of
3 1990 (Public Law 101-336, 104 Stat. 327) or the act of October
4 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human
5 Relations Act or local law shall:

6 (1) Be in writing.

7 (2) Be reliable and based on direct knowledge of the
8 person's disability and disability-related need for the
9 assistance animal or service animal.

10 (3) Describe the person's disability-related need for
11 the assistance animal or service animal.

12 Section 4. Immunity.

13 Notwithstanding any other law to the contrary, a landlord OR <--
14 ASSOCIATION shall not be liable for injuries caused by a
15 person's assistance animal or service animal permitted on the
16 landlord's property OR WITHIN PROPERTY CONTROLLED BY THE <--
17 ASSOCIATION as a reasonable accommodation to assist the person
18 with a disability under the Fair Housing Act (Public Law 90-284,
19 42 U.S.C. § 3601 et seq.), section 504 of the Rehabilitation Act
20 of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.), the
21 Americans with Disabilities Act of 1990 (Public Law 101-336, 104
22 Stat. 327), the act of October 27, 1955 (P.L.744, No.222), known
23 as the Pennsylvania Human Relations Act or any other Federal,
24 State or local law.

25 Section 5. Misrepresentation of entitlement to assistance
26 animal or service animal.

27 (a) Offense defined.--A person commits the offense of
28 misrepresentation of entitlement to assistance animal or service
29 animal if the person intentionally:

30 (1) misrepresents to another that the person has a

1 disability or disability-related need for the use of an
2 assistance animal or service animal in housing; or

3 (2) makes materially false statements for the purpose of
4 obtaining documentation for the use of an assistance animal
5 or service animal in housing.

6 (b) Grading.--A person who violates the provisions of
7 subsection (a) commits a misdemeanor of the third degree.

8 Section 6. Misrepresentation of animal as assistance animal or
9 service animal.

10 (a) Offense defined.--A person commits the offense of
11 misrepresentation of an animal as an assistance animal or
12 service animal if the person intentionally:

13 (1) creates a document misrepresenting an animal as an
14 assistance animal or service animal for use in housing;

15 (2) provides a document to another falsely stating that
16 an animal is an assistance animal or service animal for use
17 in housing; or

18 (3) fits an animal that is not an assistance animal or
19 service animal with a harness, collar, vest or sign that the
20 animal is an assistance animal or service animal for use in
21 housing.

22 (b) Grading.--A person who violates the provisions of
23 subsection (a) commits a summary offense and shall, upon
24 conviction, be sentenced to pay a fine not to exceed \$1,000.

25 Section 7. Effective date.

26 This act shall take effect in 60 days.