

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

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8 SYNOPSIS: This bill would create the Alabama
9 Assistance and Service Animal Integrity in Housing
10 Act.

11 This bill would provide definitions for
12 assistance animal, disability, and service animal
13 and would create requirements for documentation of
14 the need for an assistance animal or service animal
15 in housing.

16 This bill would provide for the offenses of
17 misrepresentation of entitlement to an assistance
18 animal or service animal and the misrepresentation
19 of an animal as an assistance animal or service
20 animal and would provide penalties.

21 Amendment 621 of the Constitution of Alabama
22 of 1901, now appearing as Section 111.05 of the
23 Official Recompilation of the Constitution of
24 Alabama of 1901, as amended, prohibits a general
25 law whose purpose or effect would be to require a
26 new or increased expenditure of local funds from
27 becoming effective with regard to a local

1 governmental entity without enactment by a 2/3 vote
2 unless: it comes within one of a number of
3 specified exceptions; it is approved by the
4 affected entity; or the Legislature appropriates
5 funds, or provides a local source of revenue, to
6 the entity for the purpose.

7 The purpose or effect of this bill would be
8 to require a new or increased expenditure of local
9 funds within the meaning of the amendment. However,
10 the bill does not require approval of a local
11 governmental entity or enactment by a 2/3 vote to
12 become effective because it comes within one of the
13 specified exceptions contained in the amendment.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 Relating to service animals; to create the Alabama
20 Assistance and Service Animal Integrity In Housing Act; to
21 provide certain definitions and to create requirements for
22 documentation of the need for a service animal in housing; to
23 provide for the offenses of misrepresentation of entitlement
24 to an assistance animal or service animal and the
25 misrepresentation of an animal as an assistance animal or
26 service animal; to provide penalties; and in connection
27 therewith would have as its purpose or effect the requirement

1 of a new or increased expenditure of local funds within the
2 meaning of Amendment 621 of the Constitution of Alabama of
3 1901, now appearing as Section 111.05 of the Official
4 Recompilation of the Constitution of Alabama of 1901, as
5 amended.; and in connection therewith to have as its purpose
6 or effect the requirement of a new or increased expenditure of
7 local funds within the meaning of Amendment 621 of the
8 Constitution of Alabama of 1901, now appearing as Section
9 111.05 of the Official Recompilation of the Constitution of
10 Alabama of 1901, as amended.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. This act shall be known and may be cited
13 as the Alabama Assistance and Service Animal Integrity in
14 Housing Act.

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

17 (1) ASSISTANCE ANIMAL. An animal, other than a
18 service animal, that qualifies as a reasonable accommodation
19 under the Fair Housing Act, Public Law 90-284, 42 U.S.C.
20 Section 3601, et seq., or Section 504 of the Rehabilitation
21 Act of 1973, Public Law 93-112, 29 U.S.C. Section 794. This
22 term includes an emotional support animal when the animal
23 qualifies as a reasonable accommodation.

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

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

4 (4) RELIABLE DOCUMENTATION. Documentation allowed to
5 be requested upon receipt of a request for reasonable
6 accommodation under the Fair Housing Act or Section 503 of the
7 Rehabilitation Act of 1973. The term only includes
8 documentation from a medical provider of the person in need of
9 the reasonable accommodation.

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

14 Section 3. (a) A landlord who receives a request
15 from a person to make an exception to a policy of the landlord
16 that prohibits animals on the property of the landlord because
17 the person requires the use of an assistance animal may
18 require the person to produce reliable documentation of the
19 following:

20 (1) The disability, only if the disability is not
21 readily apparent or known to the landlord.

22 (2) The disability-related need for the animal, only
23 if the disability-related need is not readily apparent or
24 known to the landlord.

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

1 Section 4. (a) A person commits the offense of
2 misrepresentation of entitlement to an assistance animal or
3 service animal if the person intentionally does either of the
4 following:

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

8 (2) Makes materially false statements for the
9 purpose of obtaining documentation for the use of an
10 assistance animal or service animal in housing.

11 (b) (1) Upon a first offense, a violation of
12 subsection (a) shall be a Class C misdemeanor.

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

15 Section 5. (a) A person commits the offense of
16 misrepresentation of an animal as an assistance animal or
17 service animal if a person intentionally does any of the
18 following:

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

21 (2) Provides a document to another person falsely
22 stating that an animal is an assistance animal or service
23 animal for use in housing.

24 (3) Fits an animal, which is not an assistance
25 animal or service animal, with a harness, collar, vest, or
26 sign that the pet is an assistance animal or service animal
27 for use in housing.

1 (b) (1) Upon a first offense, a violation of
2 subsection (a) shall be a Class C misdemeanor.

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

5 Section 6. Although this bill would have as its
6 purpose or effect the requirement of a new or increased
7 expenditure of local funds, the bill is excluded from further
8 requirements and application under Amendment 621, now
9 appearing as Section 111.05 of the Official Recompilation of
10 the Constitution of Alabama of 1901, as amended, because the
11 bill defines a new crime or amends the definition of an
12 existing crime.

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