

An Act

ENROLLED HOUSE
BILL NO. 3282

By: Kannady of the House

and

David of the Senate

An Act relating to landlord and tenant; defining term; establishing procedures for submission of certain request; authorizing landlords to require tenants to provide documentation of disability when requesting service animal or assistance animal accommodations; authorizing independent verification of certain documentation; limiting liability of landlord for certain injury; providing for remedy for certain noncompliance; authorizing award of certain costs, fees and damages; providing for codification; and providing an effective date.

SUBJECT: Landlord and tenant

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 113.2 of Title 41, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "assistance animal" means an animal that works, provides assistance or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. "Assistance animal" includes a service animal specifically trained or equipped to perform tasks for a person with a disability, or an emotional support animal that provides support to a person with a disability who has a disability-related need for such support.

B. A person with a disability may submit a request for a reasonable accommodation to maintain an assistance animal in a dwelling pursuant to the Fair Housing Act, as amended, 42 U.S.C., Section 3601 et seq., the Americans with Disabilities Act of 1990, 42 U.S.C., Section 12101 et seq., and Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C., Section 701 or any other federal, state or local law. Unless the person making the request has a disability or disability-related need for an assistance animal that is readily apparent, the landlord may request reliable supporting documentation that (1) is necessary to verify that the person meets the definition of disability pursuant to the Fair Housing Act, (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation. The landlord may independently verify the authenticity of any supporting documentation. Supporting documentation that was acquired through purchase or exchange of funds for goods and services shall be presumed to be fraudulent supporting documentation.

C. A landlord shall not be liable for injuries by a person's assistance animal permitted on the landlord's property as a reasonable accommodation to assist the person with a disability pursuant to the requirements of subsection B of this section.

D. If a person obtains a reasonable housing accommodation under this section by knowingly making a false claim of having a disability that requires the use of an assistance animal or by knowingly providing fraudulent supporting documentation in connection with such claim, the landlord may remedy the person's noncompliance by the procedures authorized pursuant to the Oklahoma Residential Landlord and Tenant Act in Section 132 of Title 41 of the Oklahoma Statutes. Additionally, a prevailing landlord in an eviction action under this section may be awarded court costs and fees, plus damages not to exceed One Thousand Dollars (\$1,000.00) from the tenant.

SECTION 2. This act shall become effective November 1, 2018.

Passed the House of Representatives the 30th day of April, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____