



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4912

by Rep. André Thapedi

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 5/48-8.5 new

Creates the Assistance and Service Animal Integrity Act. Defines terms. Provides that a landlord who receives a request from a person to make an exception to the landlord's policy prohibiting animals on the landlord's property because the person requires the use of an assistance animal or service animal may require the person to produce reliable documentation of the disability and disability-related need for the animal, verified under penalty of perjury by the person, only if the disability or disability-related need is not readily apparent or known to the landlord. Provides that requests for an exception are allowed for only one animal unless the documentation specifically indicates more than one is required. Provides requirements for the documentation submitted to a landlord under the Act. Provides that the landlord may require recertification every year. Provides that a landlord shall not be liable for injuries caused by a person's assistance animal or service animal permitted on the landlord's property. Amends the Criminal Code of 2012. Creates the criminal offenses of misrepresentation of entitlement to an assistance animal or service animal; misrepresentation of an animal as an assistance animal or service animal; misrepresentation of service animal training; and misrepresentation of a medical professional. Provides penalties for violations.

LRB100 18718 HEP 33951 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Assistance and Service Animal Integrity Act.

6 Section 5. Definitions. As used in this Act:

7 "Assistance animal" means an animal, other than a service
8 animal, that qualifies as a reasonable accommodation under the
9 Fair Housing Act, 42 U.S.C. § 3601 et seq., Section 504 of the
10 Rehabilitation Act of 1973, 29 U.S.C. § 794, or local law.
11 "Assistance animal" includes an emotional support animal if the
12 animal qualifies as a reasonable accommodation. "Assistance
13 animal" does not include an animal that threatens or attacks
14 any individual without cause, is not directly controlled in
15 common areas, or produces animal waste that is not disposed of
16 or cleaned.

17 "Disability" means a physical or mental impairment that
18 substantially limits one or more major life activity.

19 "Service animal" means an animal, other than an assistance
20 animal, that qualifies as a "service animal" under the federal
21 Americans with Disabilities Act of 1990 and is trained by a
22 recognized professional to perform the relevant tasks and
23 behavior modification necessary to assure the service animal

1 does not attack others. "Service animal" does not include an
2 animal that threatens or attacks any individual or other animal
3 without cause, is not directly controlled in common areas, or
4 produces animal waste that is not disposed of or cleaned.

5 Section 10. Documentation of disability and
6 disability-related need.

7 (a) A landlord who receives a request from a person to make
8 an exception to the landlord's policy prohibiting animals on
9 the landlord's property because the person requires the use of
10 an assistance animal or service animal may require the person
11 to produce reliable documentation, which may be a standardized
12 form required by the landlord, of the disability and
13 disability-related need for the animal, verified under penalty
14 of perjury by the person, only if the disability or
15 disability-related need is not readily apparent or known to the
16 landlord. A request for an exception is allowed for only one
17 animal, unless documentation pursuant to subsection (b) of this
18 Section specifically indicates more than one is required.

19 (b) Any documentation that a person has a disability and
20 requires the use of an assistance animal or service animal as a
21 reasonable accommodation in housing pursuant to the Fair
22 Housing Act, the Rehabilitation Act of 1973, the Americans with
23 Disabilities Act of 1990, the Illinois Human Rights Act, or
24 local law shall:

25 (1) be in writing;

1 (2) be made by a medical professional licensed in the
2 field for which the medical opinion is offered;

3 (3) be reliable, based on direct knowledge of the
4 person's disability and disability-related need for the
5 assistance animal or service animal, and verified under
6 penalty of perjury by the medical professional;

7 (4) describe the person's disability-related need for
8 the assistance animal or service animal; and

9 (5) be acknowledged by all other tenants of the
10 property leased by the individual requesting
11 accommodations, if any.

12 (c) A landlord may deny a documented request for
13 accommodation pursuant to this Act if other tenants of the
14 property leased by the individual requesting accommodations
15 also require accommodations that prohibit the presence of the
16 animal.

17 (d) A landlord may require recertification of
18 documentation pursuant to subsection (b) of this Section no
19 sooner than one year after receipt of the most recent
20 documentation received pursuant to subsection (b) of this
21 Section.

22 Section 15. Immunity. Notwithstanding any other law to the
23 contrary, a landlord shall not be liable for injuries caused by
24 a person's assistance animal or service animal permitted on the
25 landlord's property as a reasonable accommodation to assist the

1 person with a disability pursuant to the Fair Housing Act,
2 Section 504 of the Rehabilitation Act of 1973, the Americans
3 with Disabilities Act, the Illinois Human Rights Act, or any
4 other federal, State, or local law.

5 Section 20. The Criminal Code of 2012 is amended by adding
6 Section 48-8.5 as follows:

7 (720 ILCS 5/48-8.5 new)

8 Sec. 48-8.5. Misrepresentation concerning assistance
9 animals and service animals.

10 (a) As used in this Section, "assistance animal" and
11 "service animal" have the meanings given to them in Section 5
12 of the Assistance and Service Animal Integrity Act.

13 (b) A person commits misrepresentation of entitlement to an
14 assistance animal or service animal when he or she
15 intentionally:

16 (1) misrepresents to another that a person has a
17 disability or disability-related need for the use of an
18 assistance animal or service animal in housing; or

19 (2) makes materially false statements for the purpose
20 of obtaining documentation for the use of an assistance
21 animal or service animal in housing.

22 (c) A person commits misrepresentation of an animal as an
23 assistance animal or service animal when he or she
24 intentionally:

1 (1) creates a document that misrepresents an animal as
2 an assistance animal or service animal for use in housing;

3 (2) provides a document to another falsely stating that
4 an animal is an assistance animal or service animal for use
5 in housing; or

6 (3) fits an animal that is not an assistance animal or
7 service animal with a harness, collar, vest, or sign
8 indicating that the pet is an assistance animal or service
9 animal for use in housing.

10 (d) A person commits misrepresentation of service animal
11 training if the person intentionally creates a document that
12 misrepresents that the person trained an animal as a service
13 animal for use in housing.

14 (e) A person commits misrepresentation of a medical
15 professional for purposes of the Assistance and Service Animal
16 Integrity Act when he or she, while holding himself or herself
17 out as a medical professional, intentionally:

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

21 (2) makes materially false statements for the purpose
22 of creating documentation for the use of an assistance
23 animal or service animal in housing.

24 (f) Sentence.

25 (1) Misrepresentation of entitlement to an assistance
26 animal or service animal is a Class 4 felony.

1 (2) Misrepresentation of an animal as an assistance
2 animal or service animal is a Class A misdemeanor.

3 (3) Misrepresentation of service animal training is a
4 Class A misdemeanor.

5 (4) Misrepresentation of a medical professional for
6 purposes of the Assistance and Service Animal Integrity Act
7 is a Class A misdemeanor.