



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3671

by Rep. André Thapedi

SYNOPSIS AS INTRODUCED:

New Act

Creates the Assistance and Service Animal Integrity Act. 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, which may be a standardized form, of the disability and disability-related need for the animal only if the disability or disability-related need is not readily apparent or known to the landlord. Provides that a landlord may require additional supporting documentation when necessary to evaluate the reasonableness of either the requested accommodation or any identified alternative accommodation. 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 as a reasonable accommodation to assist the person with a disability. Provides that a landlord may require a tenant to cover the costs of repairs for damage the animal causes to the tenant's dwelling unit or the common areas, reasonable wear and tear excepted; however, a landlord may not require a tenant to pay a pet-related deposit that is otherwise required for tenants who are not requesting accommodation. Defines terms. Makes other changes.

LRB101 07775 SLF 52824 b

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. Section 5. Definitions. 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, Section 504 of the
10 Rehabilitation Act of 1973, 29 U.S.C. 794, or local law,
11 including an emotional support animal if the animal qualifies
12 as a reasonable accommodation.

13 "Disability" means a physical or mental impairment which
14 substantially limits one or more major life activities.

15 "Service animal" means an animal, other than an assistance
16 animal, that qualifies as a service animal under the federal
17 Americans with Disabilities Act of 1990 and is trained to
18 perform the relevant tasks for a person with a disability.

19 "Therapeutic relationship" means the provision of medical
20 care, program care, or personal care services, in good faith,
21 for and with actual knowledge of, the disability and
22 disability-related need of the individual requesting
23 accommodations by: (1) a physician or other medical

1 professional; (2) a mental health service provider; or (3) a
2 non-medical individual or entity in good standing with a valid
3 state license, certification, or registration to serve persons
4 with disabilities, not including care or services to the
5 individual where services use electronically transmitted
6 patient-specific data between a remote location unless those
7 services are provided under the Telehealth Act.

8 Section 10. Documentation of disability and
9 disability-related need.

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

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

1 (1) be in writing;

2 (2) be made by any person whom the individual requesting
3 accommodation has a therapeutic relationship; and

4 (3) describe the person's disability-related need for the
5 assistance animal or service animal.

6 (c) A landlord may deny a documented request for
7 accommodation or rescind a granted request under this Act if:

8 (1) the accommodation imposes either: (1) an undue
9 financial and administrative burden; or (2) a fundamental
10 alteration to the nature of the operations of the landlord;
11 or

12 (2) the assistance animal or service animal: (1) poses
13 a direct threat to the health or safety of others that
14 cannot be reduced or eliminated by another reasonable
15 accommodation; (2) causes substantial physical damage to
16 the property of others that cannot be reduced or eliminated
17 by another reasonable accommodation; or (3) the animal is
18 out of control and its handler does not take effective
19 action to control it.

20 (d) A landlord may require additional supporting
21 documentation when necessary to evaluate the reasonableness of
22 either the requested accommodation or any identified
23 alternative accommodation.

24 (e) A landlord may consider the disability accommodation of
25 other tenants on the property when evaluating the
26 reasonableness of either the requested accommodation or any

1 identified alternative accommodation under this Act.

2 (f) A landlord may require a tenant to cover the costs of
3 repairs for damage the animal causes to the tenant's dwelling
4 unit or the common areas, reasonable wear and tear excepted;
5 however, a landlord may not require a tenant to pay a
6 pet-related deposit that is otherwise required for tenants who
7 are not requesting accommodation under this Act.

8 (g) Nothing in this Act shall be construed as requiring
9 documentation of a specific diagnosis regarding a disability or
10 disability-related need.

11 Section 15. Immunity. Notwithstanding any other provision
12 of law to the contrary, a landlord shall not be liable for
13 injuries caused by a person's assistance animal or service
14 animal permitted on the landlord's property as a reasonable
15 accommodation to assist the person with a disability under the
16 Fair Housing Act, Section 504 of the Rehabilitation Act of
17 1973, the Americans with Disabilities Act of 1990, the Illinois
18 Human Rights Act, or any other federal, State, or local law.