

Sixty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1272

Introduced by

Representatives K. Koppelman, Kading, Kasper, Lefor, Louser, Olson

Senators Anderson, Clemens

A BILL for an Act to create and enact ~~a new section to chapter 47-16~~47-16-07.6 of the North Dakota Century Code, relating to reasonable accommodations for service animals in rental dwelling units; to amend and reenact section 47-16-07.5 of the North Dakota Century Code, relating to disability documentation for service or assistance animals in a rental dwelling; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

~~SECTION 1. A new section to chapter 47-16 of the North Dakota Century Code is created and enacted as follows:~~

~~**Service animals - Housing - Penalties for furnishing fraudulent disability documentation.**~~

~~1. As used in this section:~~

~~a. "Service animal" means any animal that serves a role for an individual with a disability as an emotional support animal, a therapy animal, or an assistance animal.~~

~~b. "Disability" means a physical or mental impairment that substantially limits one or more major life activities of an individual.~~

~~2. An individual is guilty of a class B misdemeanor if the individual, in an attempt to obtain a reasonable housing accommodation under section 47-16-07.5, falsely claims to have a disability that requires the use of a service animal. If an individual provides documentation verifying a disability requiring the use of a service animal, the documentation must originate from a medical professional licensed or certified in this state. Under this section, a lessor may evict a lessee and the lessor is entitled to a damage fee of one thousand dollars from a lessee if the lessee falsely claims to have a disability requiring the use of a service animal.~~

SECTION 1. AMENDMENT. Section 47-16-07.5 of the North Dakota Century Code is amended and reenacted as follows:

47-16-07.5. Disability documentation for service or assistance animal in rental dwelling.

A landlord may require reliable supporting documentation be provided by a tenant of a rental dwelling that is subject to a no pets policy, if the tenant asserts a disability requiring a service animal or assistance animal be allowed as an accommodation on the rented premises under any provision of law. Reliable supporting documentation may be provided by a physician or medical professional who does not operate primarily to provide certification for service or assistance animals. Reliable supporting documentation must confirm the tenant's disability and the relationship between the tenant's disability and the need for the requested accommodation. A landlord may not require supporting documentation from a tenant if the tenant's disability or disability-related need for a service animal or assistance animal is readily apparent or already known to the landlord.

SECTION 2. Section 47-16-07.6 of the North Dakota Century Code is created and enacted as follows:

47-16-07.6. Service animals - Housing - Penalties for furnishing fraudulent disability documentation.

An individual is guilty of an infraction if the individual, in an attempt to obtain a reasonable housing accommodation under section 47-16-07.5, provides fraudulent disability documentation indicating a disability that requires the use of a service animal. A lessor may evict a lessee and the lessor is entitled to a damage fee of one month's rent, not to exceed one thousand dollars, from a lessee if the lessee provides fraudulent disability documentation indicating a disability requiring the use of a service animal.