

Lilliann Johnston

Resident - Bismarck, ND

Testimony for SB 2222 - In Opposition

My name is Lilliann Johnston and I am a resident of Bismarck, ND. I am in opposition to SB 2222. SB 2222 aims to address the problem of online retailers who claim to offer emotional support/ assistance animal certificates and trick consumers into believing they have an assistance animal afforded the protections under the Fair Housing Act. By abusing the system, these certificate mills negatively impact those who meet the requirements for an assistance animal under the Fair Housing Act. Proper legislation is needed, but the language in SB 2222 creates barriers that will negatively impact those properly requiring an assistance animal such as myself, medical providers, advocates, and lessors. With the proper amendments, SB 2222 could better protect the rights of all affected.

It should be noted that the Fair Housing Act already allows landlords and property owners to request documentation from a licensed healthcare provider attesting that an assistance animal is medically necessary for an individual with a disability. The Fair Housing Act doesn't require that the provider be licensed in the state where the assistance animal is needed and doesn't set an expiration date for documentation. Assistance animals are not given any protections under the law to be allowed in businesses, hotels, or airplanes unless the proprietor chooses to allow pets. The problem of assistance animals becoming nuisances in these places is strictly an enforcement issue, at any time the proprietor could call law enforcement and have the animal removed. Assistance animal documentation only applies to housing and each piece of documentation only applies to one animal, if an individual requires more than one animal they must serve different purposes and have their own individual pieces of documentation. This bill is not necessary.

This bill reads similarly to 2193, but it has a few differences, such as imposing a burdensome length of time a document is valid.

Section 1, subsection 4, pg. 1 line 19

This definition of a service animal is narrower than the ADA definition and does not include miniature horses which are recognized as service animals and assist those who may need greater physical assistance or have a dog allergy.

Section 2, subsection 1.a., pg. 2 line 13

This line should be redefined to allow licensed counselors, therapists, and psychologists to issue documentation as afforded under the Fair Housing Act. Additionally,

limiting the scope to only those licensed in North Dakota would make it impossible for people with disabilities requiring assistance animals to move to North Dakota.

Section 2, subsection 2.a., pg. 2 line 24

Requiring an expiration date isn't always appropriate depending on a person's disability. Many disabilities that benefit from the support of an assistance animal are permanent.

Section 2, subsection 5, pg. 3 line 8

Having a document valid only for a year places an undue burden on individuals with permanent disabilities to have to continually renew documentation. Seeing a healthcare provider can be incredibly costly, and an unnecessary frequent renewal process would financially punish people with disabilities requiring assistance animals. If a landlord or property owner questions whether a document is still valid and an assistance animal is still necessary they can contact the issuer to verify, rather than make the disabled individual go through unnecessary hoops.

Section 2, subsection 6, pg. 3 line 12

The threat of an infraction or misdemeanor charge would have a chilling effect on healthcare providers and advocates. The fear of criminal charges would discourage providers from issuing documentation to those who need it and discourage advocates from assisting people with disabilities who may experience discrimination in acquiring housing.