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MEMORANDUM

To: Chairman Olson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: January 31, 2022

Subject: SB 360 – The Kansas Assistance Animals in Housing Act.

Senate Bill No. 360 (SB 360) would enact the Kansas Assistance Animals in Housing Act (Act). Under the Act a person requesting that an assistance animal be permitted in their residence may be required to provide documentation as evidence of the necessity of the assistance animal. A housing provider, defined as any owner/operator engaged in selling, leasing, management, control, or governance of residential housing, may require the documentation specified under the Act. Such documentation must be made by a person with a supportive relationship to the person making the request and must document the disability or disability-related need of the person making the request. A housing provider may request additional documentation if the initial submission does not meet the statutory specifications.

A request to permit an assistance animal in the residence may be denied or rescinded if the accommodation poses an undue financial and administrative burden on the housing provider or a fundamental alteration in the nature of the operations of the housing provider. Additionally, such request may be rescinded if there is reliable objective evidence that the specific assistance animal poses a direct threat to the health and safety of others, causes substantial damage to property, or has engaged in a pattern of uncontrolled behavior.

A housing provider may require the resident to pay for damages caused by the assistance animal, but only in the same manner as other damage costs are assessed to other residents. A housing provider cannot charge a pet deposit or related pet fee for an assistance animal.

The Act also creates the new crime of misrepresentation of entitlement to an assistance animal. The crime is defined as intentionally misrepresenting the need for an assistance animal to a housing provider or making materially false statements for the purpose of obtaining

documentation supporting use of an assistance animal. The penalty is a \$25-\$100 fine for a first conviction, a Class C nonperson misdemeanor for a second conviction, and a Class A nonperson misdemeanor for a third or subsequent conviction.

If enacted, SB 360 would become effective on July 1, 2022.