

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3282

By: Kannady

COMMITTEE SUBSTITUTE

An Act relating to landlord and tenant; authorizing landlords to require tenants to provide documentation of disability when requesting service animal or assistance animal accommodations; specifying from whom disability documentation may be obtained; providing for penalties for furnishing fraudulent disability documentation; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 113.2 of Title 41, unless there is created a duplication in numbering, reads as follows:

A landlord may require reliable supporting documentation be provided by a tenant of a rental dwelling if the tenant asserts a disability requiring a service animal or assistance animal, including but not limited to dogs, cats, peacocks, monkeys or miniature horses, be allowed as an accommodation on the rented premises under any provision of law. Reliable supporting documentation may be provided by a physician or licensed medical

1 professional who does not operate in this state solely to provide
2 certification for service or assistance animals. Reliable
3 supporting documentation must confirm the tenant's disability and
4 the relationship between the tenant's disability and the need for
5 the requested accommodation. A landlord may not require supporting
6 documentation from a tenant if the tenant's disability or
7 disability-related need for a service animal or assistance animal is
8 readily apparent or already known to the landlord. A landlord shall
9 not be liable for injuries by a person's service animal or
10 assistance animal permitted on the landlord's property as a
11 reasonable accommodation to assist the person with a disability
12 pursuant to the Fair Housing Act, as amended, 42 U.S.C., Section
13 3601 et seq., the Americans with Disabilities Act of 1990, 42
14 U.S.C., Section 12101 et seq., and Section 504 of the Rehabilitation
15 Act of 1973, as amended, 29 U.S.C., Section 701 or any other
16 federal, state or local law.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 113.3 of Title 41, unless there
19 is created a duplication in numbering, reads as follows:

20 A. It shall be unlawful for an individual, in an attempt to
21 obtain a reasonable housing accommodation under Section 1 of this
22 act, to knowingly make a false claim of having a disability that
23 requires the use of a service animal or assistance animal or
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1 knowingly provide fraudulent supporting documentation in connection
2 with such a claim.

3 B. If the individual pleads guilty or is convicted of the
4 offense of providing fraudulent disability documentation under
5 subsection A of this section, a lessor may evict a tenant and be
6 awarded damages and fees associated with eviction. In addition, the
7 lessor is entitled to a damage fee not to exceed One Thousand
8 Dollars (\$1,000.00) from a lessee. Any lessee convicted pursuant to
9 subsection A of this section shall perform thirty (30) hours of
10 community service for an organization that serves individuals with
11 disabilities, or for another entity or organization at the
12 discretion of the court, to be completed not more than six (6)
13 months after the conclusion of the court case.

14 SECTION 3. This act shall become effective November 1, 2018.
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