

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3282

By: Kannady

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8 COMMITTEE SUBSTITUTE

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

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

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

21 A landlord may require reliable supporting documentation be
22 provided by a tenant of a rental dwelling if the tenant asserts a
23 disability requiring a service animal or assistance animal,
24 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

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

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

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

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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16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03/01/2018 - DO
17 PASS, As Amended.
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