

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3282

By: Kannady

AS INTRODUCED

An Act relating to landlord and tenant; defining terms; allowing for individuals with disabilities to readily obtain housing; specifying landlord responsibilities; requiring individuals with service animals have equal access to housing; specifying that rights or remedies afforded by federal law shall not be limited; 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. Definitions as used in this section:

1. "Housing accommodation" means any real property or portion thereof which is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more persons. Housing accommodation does not include any single-family residence with not more than one room therein rented, leased or furnished for compensation by its occupants;

1 2. "Individual with a disability" means a person who has a
2 physical or mental impairment that substantially limits one or more
3 major life activities of the individual. As used in this paragraph,
4 the terms:

5 a. "major life activity" means a function such as caring
6 for one's self, performing manual tasks, walking,
7 seeing, hearing, speaking, breathing, learning, and
8 working, and

9 b. "physical or mental impairment" means:

10 (1) a physiological disorder or condition,
11 disfigurement, or anatomical loss that affects
12 one or more bodily functions, or

13 (2) a mental or psychological disorder that meets one
14 of the diagnostic categories specified in the
15 most recent edition of the Diagnostic and
16 Statistical Manual of Mental Disorders published
17 by the American Psychiatric Association, such as
18 an intellectual or developmental disability,
19 organic brain syndrome, traumatic brain injury,
20 post-traumatic stress disorder, or an emotional
21 or mental illness; and

22 3. "Service animal" means an animal that is trained to do work
23 or perform tasks for an individual with a disability, including a
24 physical, sensory, psychiatric, intellectual, or other mental

1 disability. The work done or tasks performed must be directly
2 related to the individual's disability and may include, but are not
3 limited to, guiding an individual who is visually impaired or blind,
4 alerting an individual who is deaf or hard of hearing, pulling a
5 wheelchair, assisting with mobility or balance, alerting and
6 protecting an individual who is having a seizure, retrieving
7 objects, alerting an individual to the presence of allergens,
8 providing physical support and assistance with balance and stability
9 to an individual with a mobility disability, helping an individual
10 with a psychiatric or neurological disability by preventing or
11 interrupting impulsive or destructive behaviors, reminding an
12 individual with mental illness to take prescribed medications,
13 calming an individual with post-traumatic stress disorder during an
14 anxiety attack, or doing other specific work or performing other
15 special tasks. A service animal is not a pet. For purposes of this
16 section, the term "service animal" is limited to a dog. The crime-
17 deterrent effect of an animal's presence and the provision of
18 emotional support, well-being, comfort, or companionship do not
19 constitute work or tasks for purposes of this definition.

20 B. An individual with a disability is entitled to rent, lease,
21 or purchase, as other members of the general public, any housing
22 accommodations offered for rent, lease, or other compensation in
23 this state, subject to the conditions and limitations established by
24 law and applicable alike to all persons.

1 1. This subsection shall not require any person renting,
2 leasing, or otherwise providing real property for compensation to
3 modify her or his property in any way or provide a higher degree of
4 care for an individual with a disability than for a person who is
5 not disabled.

6 2. An individual with a disability who has a service animal or
7 who obtains a service animal is entitled to full and equal access to
8 all housing accommodations provided for in this subsection, and such
9 a person shall not be required to pay extra compensation for such
10 animal. However, the individual is liable for any damage done to
11 the premises or to another person on the premises by the animal. A
12 housing accommodation may request proof of compliance with
13 vaccination requirements.

14 3. This subsection shall not limit the rights or remedies of a
15 housing accommodation or of an individual with a disability that are
16 granted by federal law or another law of this state with regard to
17 other assistance animals.

18 SECTION 2. This act shall become effective November 1, 2018.
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