



Sen. Ram Villivalam

Filed: 5/13/2019

10100HB3671sam001

LRB101 07775 TAE 60476 a

1 AMENDMENT TO HOUSE BILL 3671

2 AMENDMENT NO. _____. Amend House Bill 3671 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Assistance Animal Integrity Act.

6 Section 5. Definitions. In this Act:

7 "Assistance animal" means an emotional support or service
8 animal that qualifies as a reasonable accommodation under the
9 federal Fair Housing Act or the Illinois Human Rights Act.

10 "Disability" means, with respect to a person, any physical
11 or mental impairment, or record of such impairment, that
12 satisfies the definition of handicap under the Fair Housing Act
13 or the definition of disability under the Illinois Human Rights
14 Act.

15 "Housing provider" means any owner, housing provider,
16 property management company, property manager, government

1 entity, condominium board, condominium association,
2 cooperative, or related entity, and any agent or employee
3 thereof, engaged in the selling, leasing, management, control,
4 or governance of residential housing.

5 "Reasonable accommodation" has the meaning provided under
6 the federal Fair Housing Act or the Illinois Human Rights Act.

7 "Therapeutic relationship" means the provision of medical
8 care, program care, or personal care services, in good faith,
9 for and with actual knowledge of, an individual's disability
10 and that individual's disability-related need for an
11 assistance animal by: (1) a physician or other medical
12 professional; (2) a mental health service provider; or (3) a
13 non-medical service agency or reliable third party who is in a
14 position to know about the individual's disability.

15 "Therapeutic relationship" does not include an entity that
16 issues a certificate, license, or similar document that
17 purports to confirm, without conducting a meaningful
18 assessment of a person's disability or a person's
19 disability-related need for an assistance animal, that a
20 person: (a) has a disability; or (b) needs an assistance
21 animal.

22 Section 10. Documentation of disability and
23 disability-related need.

24 (a) A housing provider who receives a request from a person
25 to make an exception to the housing provider's policy

1 prohibiting or restricting animals on the housing provider's
2 property because the person requires the use of an assistance
3 animal may require the person to produce reliable documentation
4 of the disability and disability-related need for the animal
5 only if the disability or disability-related need is not
6 readily apparent or known to the housing provider. A housing
7 provider may ask a person to make the request on a standardized
8 form, but cannot deny the request because the person did not
9 use the form to submit documentation that meets the
10 requirements of subsection (b). A housing provider receiving a
11 request for more than one assistance animal may request
12 documentation under subsection (b) that establishes the
13 disability-related need for each animal, unless the need for an
14 animal is apparent.

15 (b) Any documentation that a person has a disability and
16 requires the use of an assistance animal as a reasonable
17 accommodation in housing under the federal Fair Housing Act or
18 the Illinois Human Rights Act shall:

19 (1) be in writing;

20 (2) be made by a person with whom the individual
21 requesting an accommodation has a therapeutic
22 relationship; and

23 (3) describe the individual's disability-related need
24 for the assistance animal.

25 (c) A housing provider may deny a documented request for an
26 accommodation or rescind a granted request under this Act if:

1 (1) the accommodation imposes either: (i) an undue
2 financial and administrative burden; or (ii) a fundamental
3 alteration to the nature of the operations of the housing
4 provider; or

5 (2) after conducting an individualized assessment,
6 there is reliable objective evidence that the specific
7 assistance animal: (i) poses a direct threat to the health
8 or safety of others that cannot be reduced or eliminated by
9 another reasonable accommodation; (ii) causes substantial
10 physical damage to the property of others that cannot be
11 reduced or eliminated by another reasonable accommodation;
12 or (iii) has engaged in a pattern of uncontrolled behavior
13 that its handler has not taken effective action to correct.

14 (d) A housing provider may require additional supporting
15 documentation of a person's disability or need for the
16 assistance animal only if the initial documentation provided
17 does not satisfy subsection (b). If the initial documentation
18 is insufficient to show the existence of the therapeutic
19 relationship required under subsection (b), a housing provider
20 may request additional information describing the professional
21 relationship between the person and the individual with a
22 disability.

23 (e) A housing provider may consider the documented
24 disability-related needs of other residents on the property
25 when evaluating the reasonableness of the request for the
26 assistance animal. However, a housing provider may not deny an

1 assistance animal solely due to the disability-related needs of
2 another resident; rather, a housing provider must attempt to
3 balance the disability-related needs of all residents.

4 (f) A housing provider may require a resident to cover the
5 costs of repairs for damage the animal causes to the resident's
6 dwelling unit or the common areas, reasonable wear and tear
7 excepted, in the same manner it would for damage caused by any
8 other resident; however, a housing provider may not require a
9 resident to pay a pet-related deposit, pet fee, or related pet
10 assessment, even if the housing provider allows pets and
11 requires pet owners to pay such costs. A housing provider also
12 may not require a resident with an assistance animal to procure
13 special liability insurance or coverage for the assistance
14 animal.

15 (g) Nothing in this Act shall be construed as requiring
16 documentation of a specific diagnosis regarding a disability or
17 disability-related need.

18 (h) Nothing in this Act prohibits a housing provider from
19 verifying the authenticity the documentation submitted under
20 subsection (b).

21 Section 15. Immunity. Notwithstanding any other provision
22 of law to the contrary, a housing provider shall not be liable
23 for injuries caused by a person's assistance animal permitted
24 on the housing provider's property as a reasonable
25 accommodation to assist the person with a disability under the

1 Fair Housing Act, Section 504 of the Rehabilitation Act of
2 1973, the Illinois Human Rights Act, or any other federal,
3 State, or local law.

4 Section 20. Rights under other Acts. Nothing in this Act
5 shall be construed to: (1) limit individuals' rights under the
6 Fair Housing Act, Section 504 of the Rehabilitation Act of
7 1973, the Americans with Disabilities Act, the Illinois Human
8 Rights Act, or any other federal, State, or local civil rights
9 law; or (2) limit the liability of housing providers under such
10 laws.".