

**HOUSE BILL NO. 1272**

Introduced by

Representatives K. Koppelman, Kading, Kasper, Lefor, Louser, Olson

Senators Anderson, Clemens

1 | A BILL for an Act to create and enact ~~a new section to chapter 47-16~~47-16-07.6 of the North  
2 | Dakota Century Code, relating to reasonable accommodations for service animals in rental  
3 | dwelling units; to amend and reenact section 47-16-07.5 of the North Dakota Century Code,  
4 | relating to disability documentation for service or assistance animals in a rental dwelling; and to  
5 | provide a penalty.

6 | **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 | ~~SECTION 1. A new section to chapter 47-16 of the North Dakota Century Code is created~~  
8 | ~~and enacted as follows:~~

9 | ~~**Service animals - Housing - Penalties for furnishing fraudulent disability**~~  
10 | ~~**documentation.**~~

11 | ~~1. As used in this section:~~

12 | ~~a. "Service animal" means any animal that serves a role for an individual with a~~  
13 | ~~disability as an emotional support animal, a therapy animal, or an assistance~~  
14 | ~~animal.~~

15 | ~~b. "Disability" means a physical or mental impairment that substantially limits one or~~  
16 | ~~more major life activities of an individual.~~

17 | ~~2. An individual is guilty of a class B misdemeanor if the individual, in an attempt to~~  
18 | ~~obtain a reasonable housing accommodation under section 47-16-07.5, falsely claims~~  
19 | ~~to have a disability that requires the use of a service animal. If an individual provides~~  
20 | ~~documentation verifying a disability requiring the use of a service animal, the~~  
21 | ~~documentation must originate from a medical professional licensed or certified in this~~  
22 | ~~state. Under this section, a lessor may evict a lessee and the lessor is entitled to a~~  
23 | ~~damage fee of one thousand dollars from a lessee if the lessee falsely claims to have~~  
24 | ~~a disability requiring the use of a service animal.~~

1       **SECTION 1. AMENDMENT.** Section 47-16-07.5 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **47-16-07.5. Disability documentation for service or assistance animal in rental**  
4 **dwelling.**

5       A landlord may require reliable supporting documentation be provided by a tenant of a  
6 rental dwelling that is subject to a no pets policy, if the tenant asserts a disability requiring a  
7 service animal or assistance animal be allowed as an accommodation on the rented premises  
8 under any provision of law. Reliable supporting documentation may be provided by a physician  
9 or medical professional who does not operate primarily to provide certification for service or  
10 assistance animals. Reliable supporting documentation must confirm the tenant's disability and  
11 the relationship between the tenant's disability and the need for the requested accommodation.  
12 A landlord may not require supporting documentation from a tenant if the tenant's disability or  
13 disability-related need for a service animal or assistance animal is readily apparent or already  
14 known to the landlord.

15       **SECTION 2.** Section 47-16-07.6 of the North Dakota Century Code is created and enacted  
16 as follows:

17       **47-16-07.6. Service animals - Housing - Penalties for furnishing fraudulent disability**  
18 **documentation.**

19       An individual is guilty of an infraction if the individual, in an attempt to obtain a reasonable  
20 housing accommodation under section 47-16-07.5, provides fraudulent disability documentation  
21 indicating a disability that requires the use of a service animal. A lessor may evict a lessee and  
22 the lessor is entitled to a damage fee of one month's rent, not to exceed one thousand dollars,  
23 from a lessee if the lessee provides fraudulent disability documentation indicating a disability  
24 requiring the use of a service animal.