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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 566

02/01/2021 Authored by Fischer
The bill was read for the first time and referred to the Committee on Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to housing; permitting a landlord to require a tenant to provide
1.3 documentation supporting the tenant's need for a service or support animal;
1.4 amending Minnesota Statutes 2020, sections 256C.02; 363A.09, subdivision 5;
1.5 proposing coding for new law in Minnesota Statutes, chapter 504B.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2020, section 256C.02, is amended to read:

1.8 256C.02 PUBLIC ACCOMMODATIONS.

1.9 People who are blind or people with a visual or physical disability have the same right
1.10 as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways,
1.11 public buildings, public facilities, and other public places; and are entitled to full and equal
1.12 accommodations, advantages, facilities, and privileges of all common carriers, airplanes,
1.13 motor vehicles, railroad trains, motor buses, boats, or any other public conveyances or
1.14 modes of transportation, hotels, lodging places, places of public accommodation, amusement,
1.15 or resort, and other places to which the general public is invited, subject only to the conditions
1.16 and limitations established by law and applicable alike to all persons.

1.17 Every person who is totally or partially blind, or person who is deaf, or person with a
1.18 physical disability, or any person training a dog to be a service dog shall have the right to
1.19 be accompanied by a service dog in any of the places listed in section 363A.19. The person
1.20 shall be liable for any damage done to the premises or facilities by such dog. The service
1.21 dog must be capable of being properly identified as from a recognized school for seeing
1.22 eye, hearing ear, service, or guide dogs.

2.1 Sec. 2. Minnesota Statutes 2020, section 363A.09, subdivision 5, is amended to read:

2.2 Subd. 5. **Real property full and equal access.** It is an unfair discriminatory practice
 2.3 for a person to deny full and equal access to real property provided for in sections 363A.08
 2.4 to 363A.19, and 363A.28, subdivision 10, to a person who ~~is totally or partially blind, deaf,~~
 2.5 ~~or has a physical or sensory~~ has a disability and who uses a service animal, ~~if the service~~
 2.6 ~~animal can be properly identified as being from a recognized program which trains service~~
 2.7 ~~animals to aid persons who are totally or partially blind or deaf or have physical or sensory~~
 2.8 ~~disabilities.~~ The person may not be required to pay extra compensation for the service animal
 2.9 but is liable for damage done to the premises by the service animal.

2.10 Sec. 3. **[504B.113] SERVICE AND SUPPORT ANIMAL DOCUMENTATION.**

2.11 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
 2.12 the meanings given.

2.13 (b) "Service animal" has the meaning given in Code of Federal Regulations, title 28,
 2.14 section 36.104, as amended.

2.15 (c) "Support animal" means an animal that: (1) provides emotional support that alleviates
 2.16 one or more identified symptoms or effects of a person's disability; and (2) does not need
 2.17 to be trained to perform a specific disability-related task.

2.18 (d) "Tenant" means a current tenant or a prospective tenant.

2.19 (e) "Licensed professional" means a provider of care who is:

2.20 (1) a person licensed by the Board of Medical Practice under chapter 147;

2.21 (2) a physician assistant licensed under chapter 147A;

2.22 (3) a nurse, as defined in section 148.171, subdivision 9, licensed under chapter 148;

2.23 (4) a psychologist licensed under chapter 148;

2.24 (5) a mental health professional licensed under chapter 148B;

2.25 (6) a social worker licensed under chapter 148E;

2.26 (7) a counselor licensed under chapter 148F; or

2.27 (8) any professional listed in clauses (1) to (7) who holds a valid license in any other
 2.28 state, provided the professional has an existing treatment relationship with the tenant
 2.29 requesting a reasonable accommodation.

3.1 A licensed professional does not include any person who operates primarily to provide
3.2 certification for a service or support animal.

3.3 (f) "Reasonable accommodation" means the granting of a waiver by a landlord of a
3.4 no-pets or pet-fee policy for a person with a disability consistent with the Fair Housing Act,
3.5 United States Code, title 42, sections 3601 to 3619, as amended, and section 504 of the
3.6 Rehabilitation Act of 1973, United States Code, title 29, section 701, as amended.

3.7 Subd. 2. **Request for documentation permitted.** (a) A landlord may require a tenant
3.8 to provide supporting documentation for each service or support animal for which the tenant
3.9 requests a reasonable accommodation under any provision of law. A landlord must not
3.10 require supporting documentation from a tenant if the tenant's disability or disability-related
3.11 need for a service or support animal is readily apparent or already known to the landlord.

3.12 (b) Upon a landlord's request, the tenant must provide supporting documentation from
3.13 a licensed professional confirming the tenant's disability and the relationship between the
3.14 tenant's disability and the need for a service or support animal. A landlord must not require
3.15 the tenant to disclose or provide access to medical records or medical providers or provide
3.16 any other information or documentation of a person's physical or mental disability.

3.17 Subd. 3. **Additional fees or deposits prohibited.** A landlord must not require a tenant
3.18 with a reasonable accommodation under this section to pay an additional fee, charge, or
3.19 deposit for the service or support animal. A tenant is liable to the landlord for any damage
3.20 to the premises caused by the service or support animal.

3.21 Subd. 4. **Prohibited conduct.** A tenant must not, directly or indirectly through statements
3.22 or conduct, knowingly:

3.23 (1) misrepresent themselves as a person with a disability that requires the use of a service
3.24 or support animal; or

3.25 (2) provide fraudulent supporting documentation under this section.

3.26 Subd. 5. **Penalty.** If a tenant violates this section, the landlord may deny the tenant's
3.27 rental application or request for a service or support animal. Nothing in this section shall
3.28 be construed to prohibit an eviction action based on a breach of the lease.