

**ASSISTANCE AND SERVICE ANIMAL INTEGRITY ACT - ENACTMENT**

**Act of Oct. 24, 2018, P.L. 733, No. 118**

**CL. 03**

An Act

Providing for requirements for documentation of the need for an assistance animal or service animal in housing and for the offenses of misrepresentation of entitlement to assistance animal or service animal and misrepresentation of animal as assistance animal or service animal.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Assistance and Service Animal Integrity Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Assistance animal." An animal, other than a service animal, that qualifies as a reasonable accommodation under the Fair Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et seq.), section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.) or local law. The term includes an emotional support animal when the animal qualifies as a reasonable accommodation.

"Association." The owners association established to operate a condominium, cooperative or planned community located in this Commonwealth.

"Disability." A physical or mental impairment which substantially limits one or more major life activities.

"Service animal." An animal, other than an assistance animal, that qualifies as a service animal under the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or as a guide or support animal under the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, or local law.

Section 3. Documentation of disability and disability-related need.

(a) Right to request documentation.--A landlord or association that receives a request from a person to make an exception to the landlord's or association's policy prohibiting animals or limiting the size, weight, breed or number of animals on the landlord's property or within property controlled by the association because the person requires the use of an assistance animal or service animal may require the person to produce documentation of the disability and disability-related need for the animal only if the disability or disability-related need is not readily apparent or known to the landlord or, in the case of an association, the executive board of the association.

(b) Minimum standards.--Any documentation proving that a person is disabled and requires the use of an assistance animal or service animal as a reasonable accommodation in housing under the Fair Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et seq.), the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.), the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, or local law shall:

(1) Be in writing.

(2) Be reliable and based on direct knowledge of the person's disability and disability-related need for the

assistance animal or service animal.

(3) Describe the person's disability-related need for the assistance animal or service animal.

Section 4. Immunity.

Notwithstanding any other law to the contrary, a landlord or association shall not be liable for injuries caused by a person's assistance animal or service animal permitted on the landlord's property or within property controlled by the association as a reasonable accommodation to assist the person with a disability under the Fair Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et seq.), section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.), the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327), the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, or any other Federal, State or local law.

Section 5. Misrepresentation of entitlement to assistance animal or service animal.

(a) Offense defined.--A person commits the offense of misrepresentation of entitlement to assistance animal or service animal if the person intentionally:

(1) misrepresents to another that the person has a disability or disability-related need for the use of an assistance animal or service animal in housing; or

(2) makes materially false statements for the purpose of obtaining documentation for the use of an assistance animal or service animal in housing.

(b) Grading.--A person who violates the provisions of subsection (a) commits a misdemeanor of the third degree.

Section 6. Misrepresentation of animal as assistance animal or service animal.

(a) Offense defined.--A person commits the offense of misrepresentation of an animal as an assistance animal or service animal if the person intentionally:

(1) creates a document misrepresenting an animal as an assistance animal or service animal for use in housing;

(2) provides a document to another falsely stating that an animal is an assistance animal or service animal for use in housing; or

(3) fits an animal that is not an assistance animal or service animal with a harness, collar, vest or sign that indicates the animal is an assistance animal or service animal for use in housing.

(b) Grading.--A person who violates the provisions of subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine not to exceed \$1,000.

Section 7. Effective date.

This act shall take effect in 60 days.