
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2049 Session of
2018

INTRODUCED BY MOUL, MILLARD, M. K. KELLER, O'NEILL, WARD,
ROTHMAN, ZIMMERMAN AND WATSON, FEBRUARY 2, 2018

REFERRED TO COMMITTEE ON URBAN AFFAIRS, FEBRUARY 2, 2018

AN ACT

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

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

8 Section 1. Short title.

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

11 Section 2. Definitions.

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

15 "Assistance animal." An animal, other than a service animal,
16 that qualifies as a reasonable accommodation under the Fair
17 Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et seq.),
18 section 504 of the Rehabilitation Act of 1973 (Public Law 93-
19 112, 29 U.S.C. § 701 et seq.) or local law. The term includes an

1 emotional support animal when the animal qualifies as a
2 reasonable accommodation.

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

5 "Service animal." An animal, other than an assistance
6 animal, that qualifies as a service animal under the Americans
7 with Disabilities Act of 1990 (Public Law 101-336, 104 Stat.
8 327) or as a guide or support animal under the act of October
9 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human
10 Relations Act or local law.

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

13 (a) Right to request documentation.--A landlord who receives
14 a request from a person to make an exception to the landlord's
15 policy prohibiting animals or limiting the size, weight, breed
16 or number of animals on the landlord's property because the
17 person requires the use of an assistance animal or service
18 animal may require the person to produce documentation of the
19 disability and disability-related need for the animal only if
20 the disability or disability-related need is not readily
21 apparent or known to the landlord.

22 (b) Minimum standards.--Any documentation proving that a
23 person is disabled and requires the use of an assistance animal
24 or service animal as a reasonable accommodation in housing under
25 the Fair Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et
26 seq.), the Rehabilitation Act of 1973 (Public Law 93-112, 29
27 U.S.C. § 701 et seq.), the Americans with Disabilities Act of
28 1990 (Public Law 101-336, 104 Stat. 327) or the act of October
29 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human
30 Relations Act or local law shall:

1 (1) Be in writing.

2 (2) Be reliable and based on direct knowledge of the
3 person's disability and disability-related need for the
4 assistance animal or service animal.

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

7 Section 4. Immunity.

8 Notwithstanding any other law to the contrary, a landlord
9 shall not be liable for injuries caused by a person's assistance
10 animal or service animal permitted on the landlord's property as
11 a reasonable accommodation to assist the person with a
12 disability under the Fair Housing Act (Public Law 90-284, 42
13 U.S.C. § 3601 et seq.), section 504 of the Rehabilitation Act of
14 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.), the Americans
15 with Disabilities Act of 1990 (Public Law 101-336, 104 Stat.
16 327), the act of October 27, 1955 (P.L.744, No.222), known as
17 the Pennsylvania Human Relations Act or any other Federal, State
18 or local law.

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

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

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

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

30 (b) Grading.--A person who violates the provisions of

1 subsection (a) commits a misdemeanor of the third degree.

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

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

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

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

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

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

19 Section 7. Effective date.

20 This act shall take effect in 60 days.