

Senate Engrossed House Bill

~~landlord tenant; assistance animals~~
(now: assistance animals; landlord tenant)

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2068

AN ACT

AMENDING SECTION 41-1491, ARIZONA REVISED STATUTES; AMENDING TITLE 41,
CHAPTER 9, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION
41-1497.38; RELATING TO LANDLORD LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-1491, Arizona Revised Statutes, is amended to
3 read:

4 ~~41-1491.~~ Definitions

5 In this article, unless the context otherwise requires:

6 1. "Aggrieved person" includes any person who either:

7 (a) Claims to have been injured by a discriminatory housing
8 practice.

9 (b) Believes that ~~he~~ THE PERSON will be injured by a discriminatory
10 housing practice that is about to occur.

11 2. "ASSISTANCE ANIMAL" MEANS A TRAINED OR UNTRAINED ANIMAL THAT
12 WORKS, PROVIDES ASSISTANCE, PERFORMS TASKS OR PROVIDES THERAPEUTIC OR
13 EMOTIONAL SUPPORT FOR THE BENEFIT OF A PERSON WITH A DISABILITY.

14 ~~2.~~ 3. "Complainant" means a person, including the attorney
15 general, who files a complaint under section 41-1491.22.

16 ~~3.~~ 4. "Conciliation" means the attempted resolution of issues
17 raised by a complaint or by the investigation of the complaint through
18 informal negotiations involving the aggrieved person, the respondent and
19 the attorney general.

20 ~~4.~~ 5. "Conciliation agreement" means a written agreement setting
21 forth the resolution of the issues in conciliation.

22 ~~5.~~ 6. "Disability" means a mental or physical impairment that
23 substantially limits at least one major life activity, a record of such an
24 impairment or being regarded as having such an impairment. Disability
25 does not include current illegal use of or addiction to any drug or
26 illegal or federally controlled substance. Disability shall be defined
27 and construed as the term is defined and construed by the Americans with
28 disabilities act of 1990 (P.L. 101-336) and the ADA amendments act of 2008
29 (P.L. 110-325; 122 Stat. 3553).

30 ~~6.~~ 7. "Discriminatory housing practice" means an act prohibited by
31 sections 41-1491.14 through 41-1491.21.

32 ~~7.~~ 8. "Dwelling" means either:

33 (a) Any building, structure or part of a building or structure that
34 is occupied as, or designed or intended for occupancy as, a residence by
35 one or more families.

36 (b) Any vacant land that is offered for sale or lease for the
37 construction or location of a building, structure or part of a building or
38 structure described by subdivision (a) of this paragraph.

39 ~~8.~~ 9. "Family" includes a single individual.

40 ~~9.~~ 10. "Person" means one or more individuals, corporations,
41 partnerships, associations, labor organizations, legal representatives,
42 mutual companies, joint stock companies, trusts, unincorporated
43 organizations, trustees, receivers, fiduciaries, banks, credit unions and
44 financial institutions.

1 ~~10.~~ 11. "Respondent" means either:

2 (a) The person accused of a violation of this article in a
3 complaint of a discriminatory housing practice.

4 (b) Any person identified as an additional or substitute respondent
5 under section 41-1491.25 or an agent of an additional or substitute
6 respondent.

7 12. "SERVICE ANIMAL":

8 (a) MEANS ANY DOG OR MINIATURE HORSE THAT IS INDIVIDUALLY TRAINED
9 OR IN TRAINING TO DO WORK OR PERFORM TASKS FOR THE BENEFIT OF AN
10 INDIVIDUAL WITH A DISABILITY, INCLUDING A PHYSICAL, SENSORY, PSYCHIATRIC,
11 INTELLECTUAL OR OTHER MENTAL DISABILITY.

12 (b) DOES NOT INCLUDE OTHER SPECIES OF ANIMALS, WHETHER WILD OR
13 DOMESTIC, TRAINED OR UNTRAINED.

14 ~~11.~~ 13. "To rent" includes to lease, to sublease, to let or to
15 otherwise grant for a consideration the right to occupy premises not owned
16 by the occupant.

17 Sec. 2. Title 41, chapter 9, article 7, Arizona Revised Statutes,
18 is amended by adding section 41-1497.38, to read:

19 41-1497.38. Assistance animals; reasonable accommodation

20 NOTWITHSTANDING ANY OTHER LAW, A LANDLORD IS NOT LIABLE FOR INJURIES
21 OR DAMAGES CAUSED BY A PURPORTED ASSISTANCE ANIMAL OR PURPORTED SERVICE
22 ANIMAL THAT IS ALLOWED AS A REASONABLE ACCOMMODATION OR A REASONABLE
23 MODIFICATION ON THE LANDLORD'S PROPERTY OR WITHIN PROPERTY CONTROLLED BY
24 THE LANDLORD. THIS SECTION DOES NOT LIMIT OR ABRIDGE THE RIGHTS OF A
25 PERSON WITH A DISABILITY AS OTHERWISE PRESCRIBED IN THIS CHAPTER.