



ARIZONA HOUSE OF REPRESENTATIVES

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Final Read: 39-19-2-0 | Chapter 191

HB 2068: landlord tenant; assistance animals

NOW: assistance animals; landlord tenant

Sponsor: Representative Kupper, LD 25

Signed by the Governor

Overview

Specifies a landlord is not liable for injuries or damages caused by an assistance or service animal that is allowed a reasonable accommodation or modification on the landlord's property.

History

The Federal [Fair Housing Act](#) (FHA) makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling and public and common use areas. A *reasonable accommodation* is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling.

According to the U.S. Department of [Housing and Urban Development](#), an assistance animal is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability. An assistance animal is not a pet. A housing provider must allow a reasonable accommodation involving an assistance animal in situations that meet all of the following conditions:

- 1) A request was made to the housing provider by or for a person with a disability;
- 2) The request was supported by reliable disability-related information, if the disability and the disability-related need for the animal were not apparent and the housing provider requested such information; and
- 3) The housing provider has not demonstrated that:
 - a) granting the request would impose an undue financial and administrative burden on the housing provider;
 - b) the request would fundamentally alter the essential nature of the housing provider's operations;
 - c) the specific assistance animal in question would pose a direct threat to the health or safety of others despite any other reasonable accommodations that could eliminate or reduce the threat; and
 - d) the request would not result in significant physical damage to the property of others despite any other reasonable accommodations that could eliminate or reduce the physical damage.

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

Under statute, any person or entity that operates a public place is prohibited from discriminating against individuals with disabilities who use service animals if the work or tasks performed by the service animal are directly related to the individual's disability. A *service animal* is any dog or miniature horse that is individually trained or in training to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Service animal does not include other species of animals, whether wild or domestic or trained or untrained ([A.R.S. 11-1024](#)).

The Arizona [Attorney General](#) (AG) provides civil rights guidance relating to service, support and assistance animals. The AG defines *support animal* as an animal, trained or untrained, that does work, performs tasks, provides assistance, and/or provides therapeutic emotional support for individuals with disabilities. Support animals can be any other animals commonly kept in households. The AG considers *assistance animals* as both service animals and support animals as the term only applies in housing.

Provisions

1. Specifies a landlord is not liable for injuries or damages caused by a purported assistance animal or purported service animal that is allowed as a reasonable accommodation or reasonable modification on the landlord's property or within the property controlled by the landlord. (Sec. 2)
2. Stipulates the landlord liability exemption does not limit or abridge the rights of a person with a disability as otherwise prescribed in statutory fair housing laws. (Sec. 2)
3. Defines *assistance animal* as a trained or untrained animal that works, provides assistance, performs tasks or provides therapeutic or emotional support for the benefit of a person with a disability. (Sec. 1)
4. Defines *service animal* as any dog or miniature horse that is individually trained or in training to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. (Sec. 1)
5. Excludes, from the definition of *service animal*, other species of animals, whether wild or domestic, trained or untrained. (Sec. 1)