

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1272

Introduced by

Representatives K. Koppelman, Kading, Kasper, Lefor, Louser, Olson

Senators Anderson, Clemens

1 A BILL for an Act to create and enact section 47-16-07.6 of the North Dakota Century Code,
2 relating to reasonable accommodations for service animals in rental dwelling units; to amend
3 and reenact section 47-16-07.5 of the North Dakota Century Code, relating to disability
4 documentation for service or assistance animals in a rental dwelling; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 47-16-07.5 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **47-16-07.5. Disability documentation for service or assistance animal in rental**
9 **dwelling.**

10 A landlord may require reliable supporting documentation be provided by a tenant of a
11 rental dwelling that is subject to a no pets policy, if the tenant asserts a disability requiring a
12 service animal or assistance animal be allowed as an accommodation on the rented premises
13 under any provision of law. Reliable supporting documentation may be provided by a physician
14 or medical professional who does not operate primarily in this state solely to provide certification
15 for service or assistance animals. Reliable supporting documentation must confirm the tenant's
16 disability and the relationship between the tenant's disability and the need for the requested
17 accommodation. A landlord may not require supporting documentation from a tenant if the
18 tenant's disability or disability-related need for a service animal or assistance animal is readily
19 apparent or already known to the landlord.

20 **SECTION 2.** Section 47-16-07.6 of the North Dakota Century Code is created and enacted
21 as follows:

1 **47-16-07.6. Service animals - Housing - Penalties for furnishing fraudulent disability**
2 **documentation.**

- 3 1. An individual is guilty of an infraction if the individual, in an attempt to obtain a
4 reasonable housing accommodation under section 47-16-07.5, ~~provides fraudulent~~
5 ~~disability documentation indicating a disability that requires the use of a service-~~
6 ~~animal. A knowingly makes a false claim of having a disability that requires the use of a~~
7 ~~service animal or assistance animal or knowingly provides fraudulent supporting~~
8 ~~documentation in connection with such a claim.~~
9 2. If the individual pleads guilty or is convicted of an offense under subsection 1, a lessor
10 may evict a lessee and the lessor is entitled to a damage fee ~~of one month's rent,~~ not
11 to exceed one thousand dollars, from a lessee if the lessee provides fraudulent
12 disability documentation indicating a disability requiring the use of a service animal ~~or~~
13 assistance animal.