

Feb. 20, 2018

(Enter Representatives Name)
Kentucky House of Representatives
(Enter Representatives Address)
Frankfort, KY 40601



Dear (Enter Representatives Name):

I am writing on behalf of the Apartment Association of Kentucky in support of HB 329. The association represents property owners, landlords and management companies across Kentucky consisting of nearly 100,000 apartment homes in the state.

During the past few weeks, our organization's members have met and voted to support HB 329 after a careful evaluation of its potential impact on both landlords and disabled tenants. Under the Fair Housing Act, as amended, landlords and other housing providers are required to make reasonable accommodations (exceptions) to their rules, policies and procedures for tenants, if the exception is necessary, to allow the disabled person to use and enjoy his or her housing on an equal basis with other residents.

The most requested accommodation in Kentucky is for a landlord to allow an assistance animal (defined as either a service animal or an emotional support animal) to reside with a tenant as an exception to community rules that prohibit animals in a no-pets building, prohibit certain aggressive breeds or require the tenant to pay additional fees or deposits for the animal. AAK strongly supports the rights of persons with disabilities to make reasonable accommodation requests for assistance animals, however, a lack of clarity in the federal law governing assistance animals allows for abuse, specifically in requests for emotional support animals (ESAs), and House Bill 329 is needed to help curtail this rampant problem.

Under certain circumstances, the law allows landlords to request reliable documentation from the tenant who has asked for an emotional support animal. The documentation must come from someone in a position to know who can verify the tenant is disabled and has a disability related-need for the animal. These verification requirements have created a cottage industry of online outlets that produces these "ESA letters" or other forms of proof for the right price. The New Yorker reports that no government agency keeps track of the number of reasonable accommodation requests for animals, but in 2011 the National Service Animal Registry (NSAR), a commercial enterprise that sells certificates, vests, and badges for helper animals, signed up 2,400 emotional-support animals. In 2013, NSAR registered 11,000.¹ As of February 14 of this year, NSAR has registered 180,593 animals. To put this number into perspective, AAK is aware of at least 20 websites or online outlets, in addition to NSAR, that offer documentation to their customers in exchange for a fee.

The ubiquity of these online mills imposes an unfair burden on landlords and undermines the intent of the Fair Housing Act to help those truly in need of an emotional support animal. Landlords are required to accept the medical opinion of someone who may have never met the tenant. Oftentimes, the online provider has done little more than ask the tenant a series of questions in an online survey, yet is verifying that the tenant has a disability that requires an animal to reside with him or her in spite of a landlord's established policies and procedures for animals. Also, landlords have to worry about a potential fair housing violation or stiff penalties if they evaluate the reasonable accommodation request incorrectly.

HB 329 bill makes it clear that persons with disabilities may seek reasonable accommodations under the law while outlining criminal penalties for those who falsely misrepresent a need for an animal or provide documentation under false pretenses to assist tenants in this effort. While the penalty is merely a violation, the \$1,000.00 fine will further help to deter such misconduct. The bill also makes clear that an owner may verify the authenticity of any documentation he or she receives which landlords have found, in practice, helps cut down on abuse.

HB 329 is a step towards curbing this abuse, giving landlords some much needed relief. We emphatically endorse this bill and ask for your support of it as well.

Sincerely,

JD Carey
Executive Director
Apartment Association of Kentucky