



OKLAHOMA STATE APARTMENT ASSOCIATION

Promoting professional rental housing ownership and management.

February 23, 2018

Dear Oklahoma Representatives:

I am writing on behalf of the Oklahoma State Apartment Association in support of HB 3282. The association represents property owners, landlords and management companies across Oklahoma consisting of more than 105,000 apartment homes in the state.

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 person with disabilities equal use and enjoyment of his or her housing.

The most requested accommodation in Oklahoma 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. OSAA 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 3282 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 has a disability and has a disability related-need for the animal. There is no official registration required for service or assistance animals, however 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. As of February 14 of this year, NSAR has registered 180,593 animals. OSAA 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 assistance animal. 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 accommodation so the animal may reside with the tenant in spite of a landlord's established policies and procedures for animals. Landlords are forced to accept the opinion of someone who may have never met the tenant because they are worried about a potential fair housing violation that could include stiff penalties and/or expensive litigation if they evaluate the reasonable accommodation request incorrectly.

HB 3282 bill makes it clear that persons with disabilities may seek reasonable accommodations under the law while outlining penalties for those who falsely misrepresent a need for an assistance animal or provide documentation under false pretenses. We feel these penalties will 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 3282 is a step towards curbing this abuse, giving landlords some much needed relief. We support people with disabilities who legitimately need an accommodation for an assistance animal, but we oppose anyone who abuses the system. We emphatically endorse this bill and ask for your support of it as well.

Sincerely,

Keri Cooper

Executive Director

Oklahoma State Apartment Association