

AN ACT

ENTITLED, An Act to provide certain provisions regarding the furnishing of fraudulent disability documentation when renting accommodations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 43-32 be amended by adding a NEW SECTION to read:

For the purposes of this Act, the term, service animal, refers to any animal that serves a role for an individual with a disability as an emotional support animal, any therapy animal, or any assistance animal, and the term, disability, is a physical or mental impairment that substantially limits one or more major life activities of a person.

Section 2. That chapter 43-32 be amended by adding a NEW SECTION to read:

A landlord may require reliable supporting documentation be provided by a tenant of a rental dwelling unit, if the tenant asserts a disability requiring under any provision of law that a service animal or assistance animal be allowed as an accommodation on the rented premises. A landlord may not require supporting documentation from a tenant if the tenant's disability or disability-related need for a service animal or assistance animal is readily apparent or already known to the landlord.

Section 3. That chapter 43-32 be amended by adding a NEW SECTION to read:

The supporting documentation shall confirm the tenant's disability and the relationship between the tenant's disability and the need for the requested accommodation. The documentation shall originate from a licensed health care provider who does not operate in this state solely to provide certification for service or assistance animals.

Section 4. That chapter 43-32 be amended by adding a NEW SECTION to read:

If a person is found to have knowingly made a false claim of having a disability that requires the use of a service animal or assistance animal or of knowingly providing fraudulent supporting documentation in connection with such a claim, a lessor may evict a lessee and the lessor is entitled to a damage fee, not to exceed one thousand dollars, from a lessee if the lessee provides fraudulent disability documentation indicating a disability requiring the use of a service animal or assistance animal.

