

ASSEMBLY BILL

No. 1569

Introduced by Assembly Member Caballero

February 17, 2017

An act to amend Section 54.1 of the Civil Code, relating to disability rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 1569, as introduced, Caballero. Disability rights: reasonable accommodations: animals.

The Unruh Civil Rights Act generally prohibits discrimination on the basis of various personal characteristics, including disability. Existing law entitles individuals with disabilities to full and equal access to all housing accommodations offered for rent, lease, or compensation in this state, as provided, and prohibits a person renting, leasing, or otherwise providing real property for compensation from refusing to make reasonable accommodations for an individual with a disability. The California Fair Employment and Housing Act, among other things establishes the Department of Fair Employment and Housing and authorizes it to receive, investigate, conciliate, mediate, and prosecute complaints alleging various civil rights violations, including violations of these provisions regarding individuals with disabilities.

This bill, if a prospective or current tenant requests a disability-related reasonable accommodation to keep an animal on the real property and the disability is not readily apparent or the disability-related need for an animal is not apparent, would authorize a person renting, leasing, or otherwise providing real property for compensation to request that a third party provide verification of the disability and disability-related need for the animal from the prospective or current tenant. The bill

would require that the third party, among other things, have specific knowledge of the prospective or current tenant’s medical condition based on an individualized examination. The bill would specify that certain types of documentation would not be in and of themselves sufficient third-party verification and would authorize the person renting, leasing, or otherwise providing real property for compensation to request additional third-party verification from a reliable source if the prospective or current tenant only presents any of those types of documentation. The bill would exclude from these provisions guide dogs and service animals, as those terms are defined in specified statutes. The bill would make various findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) It is beneficial for both landlords and prospective or current
- 3 tenants to have greater guidance as to what is sufficient verification
- 4 of a disability or disability-related need for an animal in those
- 5 situations in which a landlord may ask for verification of a
- 6 disability. This clarity will help both the landlord and the
- 7 prospective or current tenant to constructively engage in the
- 8 interactive process to determine if the prospective or current
- 9 tenant’s animal may be reasonably accommodated without undue
- 10 hardship to the owner, including balancing the rights of existing
- 11 tenants with disabilities.
- 12 (b) Under existing law and pursuant to the settlement between
- 13 the Department of Fair Employment and Housing and the Irvine
- 14 Company, LLC., there are circumstances in which a landlord may
- 15 request that a prospective or current tenant requesting a reasonable
- 16 accommodation to keep an animal provide reliable verification of
- 17 his or her disability and the disability-related need for requesting
- 18 the animal.
- 19 (c) There are many persons, including internet vendors, who
- 20 will provide verifications or certifications that a prospective or
- 21 current tenant is disabled or has a disability-related need for an
- 22 animal without ever meeting the person requesting verification or
- 23 certification or conducting any type of examination. These
- 24 providers, sometimes referred to as “letter mills” and whose

1 primary business is providing verifications and certifications for
2 profit, are both offline and online and are located throughout the
3 United States and the world.

4 (d) These “letter mills” directly harm the disabled. Many
5 prospective or current tenants will pay for online certifications and
6 letters believing that to be an easy way to provide documentation
7 of their disability and disability-related need for an animal. This
8 documentation, however, is typically insufficient, resulting in the
9 prospective or current tenant still having to obtain proper
10 documentation.

11 SEC. 2. Section 54.1 of the Civil Code is amended to read:

12 54.1. (a) (1) Individuals with disabilities shall be entitled to
13 full and equal access, as other members of the general public, to
14 accommodations, advantages, facilities, medical facilities,
15 including hospitals, clinics, and physicians’ offices, and privileges
16 of all common carriers, airplanes, motor vehicles, railroad trains,
17 motorbuses, streetcars, boats, or any other public conveyances or
18 modes of transportation (whether private, public, franchised,
19 licensed, contracted, or otherwise provided), telephone facilities,
20 adoption agencies, private schools, hotels, lodging places, places
21 of public accommodation, amusement, or resort, and other places
22 to which the general public is invited, subject only to the conditions
23 and limitations established by law, or state or federal regulation,
24 and applicable alike to all persons.

25 (2) As used in this section, “telephone facilities” means tariff
26 items and other equipment and services that have been approved
27 by the Public Utilities Commission to be used by individuals with
28 disabilities in a manner feasible and compatible with the existing
29 telephone network provided by the telephone companies.

30 (3) “Full and equal access,” for purposes of this section in its
31 application to transportation, means access that meets the standards
32 of Titles II and III of the Americans with Disabilities Act of 1990
33 (Public Law 101-336) and federal regulations adopted pursuant
34 thereto, except that, if the laws of this state prescribe higher
35 standards, it shall mean access that meets those higher standards.

36 (b) (1) Individuals with disabilities shall be entitled to full and
37 equal access, as other members of the general public, to all housing
38 accommodations offered for rent, lease, or compensation in this
39 state, subject to the conditions and limitations established by law,
40 or state or federal regulation, and applicable alike to all persons.

1 (2) “Housing accommodations” means any real property, or
2 portion of real property, that is used or occupied, or is intended,
3 arranged, or designed to be used or occupied, as the home,
4 residence, or sleeping place of one or more human beings, but
5 shall not include any accommodations included within subdivision
6 (a) or any single-family residence the occupants of which rent,
7 lease, or furnish for compensation not more than one room in the
8 residence.

9 (3) (A) A person renting, leasing, or otherwise providing real
10 property for compensation shall not refuse to permit an individual
11 with a disability, at that person’s expense, to make reasonable
12 modifications of the existing rented premises if the modifications
13 are necessary to afford the person full enjoyment of the premises.
14 However, any modifications under this paragraph may be
15 conditioned on the disabled tenant entering into an agreement to
16 restore the interior of the premises to the condition existing before
17 the modifications. No additional security may be required on
18 account of an election to make modifications to the rented premises
19 under this paragraph, but the lessor and tenant may negotiate, as
20 part of the agreement to restore the premises, a provision requiring
21 the disabled tenant to pay an amount into an escrow account, not
22 to exceed a reasonable estimate of the cost of restoring the
23 premises.

24 (B) A person renting, leasing, or otherwise providing real
25 property for compensation shall not refuse to make reasonable
26 accommodations in rules, policies, practices, or services, when
27 those accommodations may be necessary to afford individuals with
28 a disability equal opportunity to use and enjoy the premises.

29 (C) (i) *A person renting, leasing, or otherwise providing real*
30 *property for compensation may, if a prospective or current tenant*
31 *requests a disability-related reasonable accommodation to keep*
32 *an animal on the real property and the disability is not readily*
33 *apparent or the disability-related need for an animal is not*
34 *apparent, request that a third party provide verification of the*
35 *disability and disability-related need for the animal from the*
36 *prospective or current tenant. The third party verifying the*
37 *disability and the disability-related need for the animal shall be*
38 *located in the United States and have specific knowledge of the*
39 *prospective or current tenant’s medical condition based on an*
40 *individualized examination. That examination shall include an*

1 *in-person meeting with the prospective or current tenant. The third*
2 *party shall not be operating primarily as a business to provide*
3 *certifications for persons requesting verification of animals*
4 *requested as reasonable accommodations.*

5 *(ii) The following types of documentation shall not be in and of*
6 *themselves sufficient third-party verification that a prospective or*
7 *current tenant requires an animal as a reasonable accommodation,*
8 *and the person renting, leasing, or otherwise providing real*
9 *property for compensation may request additional third-party*
10 *verification from a reliable source if the prospective or current*
11 *tenant only presents any of those types of documentation:*

12 *(I) An identification card or certificate for a registered service*
13 *animal.*

14 *(II) An emotional support animal prescription letter.*

15 *(III) Any certificate, letter of prescription, doctor's or any other*
16 *kind of note or letter obtained from an online source.*

17 *(IV) Documentation that does not indicate that the provider of*
18 *the documentation ever met the prospective or current tenant or*
19 *performed an individualized examination.*

20 *(iii) This subparagraph shall not apply to a "guide dog,"*
21 *"signal dog," or "service dog," as defined in paragraph (6), or*
22 *a "service animal," as defined in Section 113903 of the Health*
23 *and Safety Code.*

24 *(4) This subdivision does not require a person renting, leasing,*
25 *or providing for compensation real property to modify his or her*
26 *property in any way or provide a higher degree of care for an*
27 *individual with a disability than for an individual who is not*
28 *disabled.*

29 *(5) Except as provided in paragraph (6), this part does not*
30 *require a person renting, leasing, or providing for compensation*
31 *real property, if that person refuses to accept tenants who have*
32 *dogs, to accept as a tenant an individual with a disability who has*
33 *a dog.*

34 *(6) (A) It shall be deemed a denial of equal access to housing*
35 *accommodations within the meaning of this subdivision for a*
36 *person, firm, or corporation to refuse to lease or rent housing*
37 *accommodations to an individual who is blind or visually impaired*
38 *on the basis that the individual uses the services of a guide dog,*
39 *an individual who is deaf or hard of hearing on the basis that the*
40 *individual uses the services of a signal dog, or to an individual*

1 with any other disability on the basis that the individual uses the
2 services of a service dog, or to refuse to permit such an individual
3 who is blind or visually impaired to keep a guide dog, an individual
4 who is deaf or hard of hearing to keep a signal dog, or an individual
5 with any other disability to keep a service dog on the premises.

6 (B) Except in the normal performance of duty as a mobility or
7 signal aid, this paragraph does not prevent the owner of a housing
8 accommodation from establishing terms in a lease or rental
9 agreement that reasonably regulate the presence of guide dogs,
10 signal dogs, or service dogs on the premises of a housing
11 accommodation, nor does this paragraph relieve a tenant from any
12 liability otherwise imposed by law for real and personal property
13 damages caused by such a dog when proof of the damage exists.

14 (C) (i) As used in this subdivision, “guide dog” means a guide
15 dog that was trained by a person licensed under Chapter 9.5
16 (commencing with Section 7200) of Division 3 of the Business
17 and Professions Code or as defined in the regulations implementing
18 Title III of the Americans with Disabilities Act of 1990 (Public
19 Law 101-336).

20 (ii) As used in this subdivision, “signal dog” means a dog trained
21 to alert an individual who is deaf or hard of hearing to intruders
22 or sounds.

23 (iii) As used in this subdivision, “service dog” means a dog
24 individually trained to the requirements of the individual with a
25 disability, including, but not limited to, minimal protection work,
26 rescue work, pulling a wheelchair, or fetching dropped items.

27 (7) It shall be deemed a denial of equal access to housing
28 accommodations within the meaning of this subdivision for a
29 person, firm, or corporation to refuse to lease or rent housing
30 accommodations to an individual who is blind or visually impaired,
31 an individual who is deaf or hard of hearing, or other individual
32 with a disability on the basis that the individual with a disability
33 is partially or wholly dependent upon the income of his or her
34 spouse, if the spouse is a party to the lease or rental agreement.
35 This subdivision does not prohibit a lessor or landlord from
36 considering the aggregate financial status of an individual with a
37 disability and his or her spouse.

38 (c) Visually impaired or blind persons and persons licensed to
39 train guide dogs for individuals who are visually impaired or blind
40 pursuant to Chapter 9.5 (commencing with Section 7200) of

1 Division 3 of the Business and Professions Code or guide dogs as
2 defined in the regulations implementing Title III of the Americans
3 with Disabilities Act of 1990 (Public Law 101-336), and persons
4 who are deaf or hard of hearing and persons authorized to train
5 signal dogs for individuals who are deaf or hard of hearing, and
6 other individuals with a disability and persons authorized to train
7 service dogs for individuals with a disability, may take dogs, for
8 the purpose of training them as guide dogs, signal dogs, or service
9 dogs in any of the places specified in subdivisions (a) and (b).
10 These persons shall ensure that the dog is on a leash and tagged
11 as a guide dog, signal dog, or service dog by identification tag
12 issued by the county clerk, animal control department, or other
13 agency, as authorized by Chapter 3.5 (commencing with Section
14 30850) of Division 14 of the Food and Agricultural Code. In
15 addition, the person shall be liable for any provable damage done
16 to the premises or facilities by his or her dog.

17 (d) A violation of the right of an individual under the Americans
18 with Disabilities Act of 1990 (Public Law 101-336) also constitutes
19 a violation of this section, and this section does not limit the access
20 of any person in violation of that act.

21 (e) This section does not preclude the requirement of the
22 showing of a license plate or disabled placard when required by
23 enforcement units enforcing disabled persons parking violations
24 pursuant to Sections 22507.8 and 22511.8 of the Vehicle Code.

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