



EQUALITY ♦ LAW ♦ JUSTICE

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Opponent for HB 2152 House Judiciary Committee February 11, 2019

Chairman Patton and members of the Committee:

My name is Kip Elliot. I am an attorney at the Disability Rights Center of Kansas (DRC). DRC is a public interest legal advocacy organization that is part of a national network of federally mandated organizations empowered to advocate for Kansans with disabilities. DRC is the officially designated protection and advocacy system in Kansas. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of state government and whose sole interest is the protection of the legal rights of Kansans with disabilities.

DRC is opposed to House Bill 2152. It is inconsistent with federal law, including the Fair Housing Act and the Americans with Disabilities Act as well as guidance from Housing and Urban Development and Department of Justice.

HB 2152 amends and significantly expands KSA 39-1103 as amended in 2018, a section of the Kansas white cane law. New section 1 of HB 2152 relates to the use of assistance animals in housing and primarily requires persons with disabilities to go above and beyond the requirements of federal laws, including the Fair Housing Act and Americans with Disabilities Act. HB 2152 protects landlords while significantly impacting Kansans with disabilities in housing.

A client who was brutally sexually abused as a child has significant mental health issues including PTSD and anxiety. This young woman lives in a small town and is undergoing therapy. She decides to get a dog as an emotional support animal to help her get through the nightmare that is her every day and night. Under HB 2152 she will be required to have her licensed therapist verify that she meets the definition of disability and *describe her disability-related need for the dog*. This “reasonable accommodation” letter will require this woman to disclose her disability in order to meet the requirements of HB 2152. This small town landlord is now free to share that information with anyone.

HB 2152 requires that documentation is provided by a physician or counselor who has met with the person and is sufficiently familiar with the patient’s disability. We are living in an age where Telehealth and Telemedicine is much more common and frequent, including therapy through the Community Mental Health Centers in Kansas. Additionally, who determines “sufficiently” – the landlord?

DRC provides advocacy and legal services to numerous clients utilizing emotional support animals and services animals. We understand that there are people who take advantage of these situations but we also experience numerous situations in housing, in private businesses and in cities and towns that deny legitimate services to people with disabilities and their assistance animals.

This is a complicated amendment to Kansas law. The Kansas white cane act needs updating to reflect current federal law. Recently, Amanda Stanley, general counsel for the Kansas League of Municipalities reached out to us to review proposed legislation amending several sections of KSA 39-1101 *et seq.* After discussions with Ms. Stanley, both sides recommended that a request be made to the Judicial Council for this Act to be studied. DRC strongly opposes HB 2152 and requests this proposed legislation is included in a request to the Judicial Council for study of KSA 39-1101 *et seq.*

Thank you for the opportunity to share our opposition to this bill. I would be happy to stand for questions at the appropriate time.