

February 4, 2020

House Judiciary Committee

Representative Fred Patton, Chair

Testimony by

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Thank you for the chance to provide written testimony to the Judiciary Committee on HB2523. My name is Lou Ann Kibbee and I am the Systems Advocacy Manager for Southeast KS Independent Living (SKIL) Resource Center. SKIL is a Center for Independent Living that advocates for the rights of, and provides services to, thousands of people of all ages with all types of disabilities annually across the State of Kansas. We fight for justice, equality, and inclusion with and for them, to have the same opportunities as other people do. Opportunities to live in our homes, receive the supports and services needed, receive an equal education leading to a productive and fulfilling vocation, develop relationships and families as desired, get involved in our communities, and partake in recreation and hobbies as we choose. We are driven by a philosophy of consumer choice, in that we have the freedom to make decisions and choices about our lives, as well as having the dignity of risk.

SKIL is concerned about HB2523 regarding assistance animals and housing in Kansas, creating the crimes of misrepresentation of entitlement to an assistance animal and improper denial of an assistance animal. Given that the Housing and Urban Development (HUD) just released on January 28th their guidance for landlords to evaluate reasonable accommodation requests for assistance animals in housing. The document can be found at <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf> HB2523 was written prior to having access to the federal document from HUD. It would have been much more logical to wait so that State law would follow the federal guidance from HUD. SKIL would recommend that the

committee give some time for the federal guidance to be implemented prior to creating a State law such as HB2523.

SKIL does believe that Section 3 of HB2523 "*Improper denial of an assistance animal is intentionally*" is important to include in a State law. If a criminal complaint can be made by a landlord against an applicant or tenant who they believe falsely applied for a reasonable accommodation of an assistance animal, then a housing applicant or tenant should have the right to file a criminal complaint against a landlord for denial of such a request. Given that landlords can sometimes use intimidation and make individuals feel helpless in respect to housing, applicants or tenants should have equal influence against the landlords.

I would encourage the committee postpone moving forward with a State law until the federal guidance from HUD can be reviewed closer, so as to not give landlords the idea that following State law would protect them from a federal fair housing complaint. Again SKIL asks that you suspend HB2523 until more information is gathered on implementation of HUDs guidance.

Thank you for the opportunity!