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To: Senate Federal and State Affairs Committee  
From: Mark Tomb, VP of Governmental Affairs  
Date: January 31, 2022

Re: Written Testimony in Support of SB 360

On behalf of the Kansas Association of REALTORS® (KAR), thank you for the opportunity to provide testimony in support of SB 360, legislation that will provide necessary guidance for those seeking reasonable accommodation for their animals, while deterring fraudulent behavior.

The Kansas Association of REALTORS® represents over 11,000 members involved in residential, agricultural and commercial real estate and has advocated on behalf of the state's property owners for over 100 years. REALTORS® serve an important role in the state's economy and are dedicated to working with our elected officials to create better communities by supporting economic development, a high quality of life and providing affordable housing opportunities while protecting the rights of private property owners.

KAR previously worked on similar legislation with the goal of giving clear guidance to individuals making a request for accommodation and to housing providers as to what substantiating documentation could be provided, while also providing a deterrent to fraudulent behavior. It was with these goals that KAR met with interested stakeholders as part of an ad hoc advisory committee on disability access organized by the Kansas Judicial Council in 2019, leading to legislation on this topic being introduced during the 2020 session.

Both Federal and State law speak to the allowance of service animals in housing. Those needing such dogs, have a right to be accompanied by the dog on all common carriers, places of public accommodation, and anywhere where the general public is invited. Further, those with a disability, have the right to have the dog accompany them in the purchase and use of residential housing without being required to pay an extra charge. However, the individual would be liable for any damage done to the premises or facilities by such dog.

The issue is not with those who genuinely rely on service animals to assist them in daily living, but rather those that falsely claim their pet is an emotional support animal (or "assistance animal") so that a landlord is required to allow the pet in the dwelling and common areas of the rental premises. Falsifying the need for a service animal is often done in a way to get around landlord no-pet policies, size and breed restrictions, or pet deposits. This puts a housing provider in a difficult position as they have duties and obligations to other tenants. Most important, misrepresentation of pets as emotional support or assistance animals unnecessarily casts doubt on those that have legitimate need for an emotional support or assistance animal.

### **Conclusion**

The Kansas Association of REALTORS® would urge members of the Senate Federal and State Affairs Committee to support SB 360, in order to provide clarity and integrity to assistance animal requests for accommodations in housing.