

HOUSING

(310 ILCS 120/) Assistance Animal Integrity Act.

(310 ILCS 120/1)

Sec. 1. Short title. This Act may be cited as the Assistance Animal Integrity Act.

(Source: P.A. 101-518, eff. 1-1-20.)

(310 ILCS 120/5)

Sec. 5. Definitions. In this Act:

"Assistance animal" means an emotional support or service animal that qualifies as a reasonable accommodation under the federal Fair Housing Act or the Illinois Human Rights Act.

"Disability" means, with respect to a person, any physical or mental impairment, or record of such impairment, that satisfies the definition of handicap under the Fair Housing Act or the definition of disability under the Illinois Human Rights Act.

"Housing provider" means any owner, housing provider, property management company, property manager, government entity, condominium board, condominium association, cooperative, or related entity, and any agent or employee thereof, engaged in the selling, leasing, management, control, or governance of residential housing.

"Reasonable accommodation" has the meaning provided under the federal Fair Housing Act or the Illinois Human Rights Act.

"Therapeutic relationship" means the provision of medical care, program care, or personal care services, in good faith, for and with actual knowledge of, an individual's disability and that individual's disability-related need for an assistance animal by: (1) a physician or other medical professional; (2) a mental health service provider; or (3) a non-medical service agency or reliable third party who is in a position to know about the individual's disability.

"Therapeutic relationship" does not include an entity that issues a certificate, license, or similar document that purports to confirm, without conducting a meaningful assessment of a person's disability or a person's disability-related need for an assistance animal, that a person: (a) has a disability; or (b) needs an assistance animal.

(Source: P.A. 101-518, eff. 1-1-20.)

(310 ILCS 120/10)

Sec. 10. Documentation of disability and disability-related need.

(a) A housing provider who receives a request from a person to make an exception to the housing provider's policy prohibiting or restricting animals on the housing provider's property because the person requires the use of an assistance

animal may require the person to produce reliable documentation of the disability and disability-related need for the animal only if the disability or disability-related need is not readily apparent or known to the housing provider. A housing provider may ask a person to make the request on a standardized form, but cannot deny the request because the person did not use the form to submit documentation that meets the requirements of subsection (b). A housing provider receiving a request for more than one assistance animal may request documentation under subsection (b) that establishes the disability-related need for each animal, unless the need for an animal is apparent.

(b) Any documentation that a person has a disability and requires the use of an assistance animal as a reasonable accommodation in housing under the federal Fair Housing Act or the Illinois Human Rights Act shall:

- (1) be in writing;
- (2) be made by a person with whom the individual requesting an accommodation has a therapeutic relationship; and
- (3) describe the individual's disability-related need for the assistance animal.

(c) A housing provider may deny a documented request for an accommodation or rescind a granted request under this Act if:

- (1) the accommodation imposes either: (i) an undue financial and administrative burden; or (ii) a fundamental alteration to the nature of the operations of the housing provider; or

- (2) after conducting an individualized assessment, there is reliable objective evidence that the specific assistance animal: (i) poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation; (ii) causes substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation; or (iii) has engaged in a pattern of uncontrolled behavior that its handler has not taken effective action to correct.

(d) A housing provider may require additional supporting documentation of a person's disability or need for the assistance animal only if the initial documentation provided does not satisfy subsection (b). If the initial documentation is insufficient to show the existence of the therapeutic relationship required under subsection (b), a housing provider may request additional information describing the professional relationship between the person and the individual with a disability.

(e) A housing provider may consider the documented disability-related needs of other residents on the property when evaluating the reasonableness of the request for the assistance animal. However, a housing provider may not deny an assistance animal solely due to the disability-related needs of another resident; rather, a housing provider must attempt to balance the disability-related needs of all residents.

(f) A housing provider may require a resident to cover the costs of repairs for damage the animal causes to the

resident's dwelling unit or the common areas, reasonable wear and tear excepted, in the same manner it would for damage caused by any other resident; however, a housing provider may not require a resident to pay a pet-related deposit, pet fee, or related pet assessment, even if the housing provider allows pets and requires pet owners to pay such costs. A housing provider also may not require a resident with an assistance animal to procure special liability insurance or coverage for the assistance animal.

(g) Nothing in this Act shall be construed as requiring documentation of a specific diagnosis regarding a disability or disability-related need.

(h) Nothing in this Act prohibits a housing provider from verifying the authenticity the documentation submitted under subsection (b).

(Source: P.A. 101-518, eff. 1-1-20.)

(310 ILCS 120/15)

Sec. 15. Immunity. Notwithstanding any other provision of law to the contrary, a housing provider shall not be liable for injuries caused by a person's assistance animal permitted on the housing provider's property as a reasonable accommodation to assist the person with a disability under the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, the Illinois Human Rights Act, or any other federal, State, or local law.

(Source: P.A. 101-518, eff. 1-1-20.)

(310 ILCS 120/20)

Sec. 20. Rights under other Acts. Nothing in this Act shall be construed to: (1) limit individuals' rights under the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Illinois Human Rights Act, or any other federal, State, or local civil rights law; or (2) limit the liability of housing providers under such laws.

(Source: P.A. 101-518, eff. 1-1-20.)

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