

AMENDED IN ASSEMBLY MARCH 23, 2017

CALIFORNIA LEGISLATURE—2017—18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1569**

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**Introduced by Assembly Member Caballero**

February 17, 2017

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1569, as amended, 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. *prospective or current tenant provide reliable verification of the disability and the disability-related need for the animal.* 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 *or reliable* 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

1 animal without ever meeting the person requesting verification or  
2 certification or conducting any type of examination. These  
3 providers, sometimes referred to as “letter mills” and whose  
4 primary business is providing verifications and certifications for  
5 profit, are both offline and online and are located throughout the  
6 United States and the world.

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

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

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

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

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

39 (b) (1) Individuals with disabilities shall be entitled to full and  
40 equal access, as other members of the general public, to all housing

1 accommodations offered for rent, lease, or compensation in this  
2 state, subject to the conditions and limitations established by law,  
3 or state or federal regulation, and applicable alike to all persons.

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

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

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

32 (C) (i) A person renting, leasing, or otherwise providing real  
33 property for compensation may, if a prospective or current tenant  
34 requests a disability-related reasonable accommodation to keep  
35 an animal on the real property and the disability is not readily  
36 apparent or the disability-related need for an animal is not apparent,  
37 ~~request that a third party provide verification of the disability and~~  
38 ~~disability-related need for the animal from the prospective or~~  
39 ~~current tenant. prospective or current tenant provide both (I)~~  
40 *reliable third-party verification or other reliable verification of*

1 *the disability and (II) reliable third-party verification of the*  
2 *disability-related need for the animal.* The third party verifying  
3 the disability and the disability-related need for the animal shall  
4 be located in the United States and have specific knowledge of the  
5 prospective or current tenant’s medical condition based on an  
6 individualized examination. That examination shall include an  
7 in-person meeting with the prospective or current tenant. The third  
8 party shall not be operating primarily as a business to provide  
9 certifications for persons requesting verification of animals  
10 requested as reasonable accommodations. *The third-party*  
11 *verification shall include the third party’s name, address, and*  
12 *telephone number or email address.*

13 (ii) The following types of documentation shall not be in and  
14 of themselves sufficient *or reliable* third-party verification that a  
15 prospective or current tenant requires an animal as a reasonable  
16 accommodation, and the person renting, leasing, or otherwise  
17 providing real property for compensation may request additional  
18 third-party verification from a reliable source if the prospective or  
19 current tenant only presents any of those types of documentation:

20 (I) ~~An identification card or certificate for a registered service~~  
21 ~~animal; card, registration, or certificate for an animal presented~~  
22 ~~without additional third-party verification from a reliable source.~~

23 ~~(II) An emotional support animal prescription letter.~~

24 ~~(III)~~

25 (II) Any certificate, *registration, emotional support animal*  
26 *letter,* letter of prescription, doctor’s or any other kind of note or  
27 letter obtained from an online source.

28 ~~(IV)~~

29 (III) Documentation that does not indicate that the provider of  
30 the documentation ever met the prospective or current tenant or  
31 performed an individualized examination.

32 (iii) This subparagraph shall not apply to a “guide dog,” “signal  
33 dog,” or “service dog,” as defined in paragraph (6), or a “service  
34 animal,” as defined in Section 113903 of the Health and Safety  
35 Code.

36 (4) This subdivision does not require a person renting, leasing,  
37 or providing for compensation real property to modify his or her  
38 property in any way or provide a higher degree of care for an  
39 individual with a disability than for an individual who is not  
40 disabled.

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

6 (6) (A) It shall be deemed a denial of equal access to housing  
7 accommodations within the meaning of this subdivision for a  
8 person, firm, or corporation to refuse to lease or rent housing  
9 accommodations to an individual who is blind or visually impaired  
10 on the basis that the individual uses the services of a guide dog,  
11 an individual who is deaf or hard of hearing on the basis that the  
12 individual uses the services of a signal dog, or to an individual  
13 with any other disability on the basis that the individual uses the  
14 services of a service dog, or to refuse to permit such an individual  
15 who is blind or visually impaired to keep a guide dog, an individual  
16 who is deaf or hard of hearing to keep a signal dog, or an individual  
17 with any other disability to keep a service dog on the premises.

18 (B) Except in the normal performance of duty as a mobility or  
19 signal aid, this paragraph does not prevent the owner of a housing  
20 accommodation from establishing terms in a lease or rental  
21 agreement that reasonably regulate the presence of guide dogs,  
22 signal dogs, or service dogs on the premises of a housing  
23 accommodation, nor does this paragraph relieve a tenant from any  
24 liability otherwise imposed by law for real and personal property  
25 damages caused by such a dog when proof of the damage exists.

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

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

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

39 (7) It shall be deemed a denial of equal access to housing  
40 accommodations within the meaning of this subdivision for a

1 person, firm, or corporation to refuse to lease or rent housing  
2 accommodations to an individual who is blind or visually impaired,  
3 an individual who is deaf or hard of hearing, or other individual  
4 with a disability on the basis that the individual with a disability  
5 is partially or wholly dependent upon the income of his or her  
6 spouse, if the spouse is a party to the lease or rental agreement.  
7 This subdivision does not prohibit a lessor or landlord from  
8 considering the aggregate financial status of an individual with a  
9 disability and his or her spouse.

10 (c) Visually impaired or blind persons and persons licensed to  
11 train guide dogs for individuals who are visually impaired or blind  
12 pursuant to Chapter 9.5 (commencing with Section 7200) of  
13 Division 3 of the Business and Professions Code or guide dogs as  
14 defined in the regulations implementing Title III of the Americans  
15 with Disabilities Act of 1990 (Public Law 101-336), and persons  
16 who are deaf or hard of hearing and persons authorized to train  
17 signal dogs for individuals who are deaf or hard of hearing, and  
18 other individuals with a disability and persons authorized to train  
19 service dogs for individuals with a disability, may take dogs, for  
20 the purpose of training them as guide dogs, signal dogs, or service  
21 dogs in any of the places specified in subdivisions (a) and (b).  
22 These persons shall ensure that the dog is on a leash and tagged  
23 as a guide dog, signal dog, or service dog by identification tag  
24 issued by the county clerk, animal control department, or other  
25 agency, as authorized by Chapter 3.5 (commencing with Section  
26 30850) of Division 14 of the Food and Agricultural Code. In  
27 addition, the person shall be liable for any provable damage done  
28 to the premises or facilities by his or her dog.

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

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

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