



## 2023 South Dakota Legislature

# House Bill 1218

Introduced by: **Representative** Krohmer

1 **An Act to amend documentation requirements for emotional support animals in a**  
 2 **rental dwelling unit.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 43-32-33 be AMENDED:**

5 **43-32-33.** For the purposes of §§ 43-32-34 to 43-32-36, inclusive, the term,  
 6 service animal, refers to any animal that serves a role for an individual with a disability as  
 7 ~~an emotional support animal,~~ any therapy animal, ~~or any assistance animal,~~ and the  
 8 term, disability, is a physical or mental impairment that substantially limits one or more  
 9 major life activities of a person.

10 For the purposes of §§ 43-32-34 to 43-32-36, inclusive, the term, emotional  
 11 support animal, refers to any animal that serves a role of providing comfort to an individual  
 12 with a disability in a manner that is necessary for the health of an individual.

13 **Section 2. That § 43-32-34 be AMENDED:**

14 **43-32-34.** A landlord may require reliable supporting documentation be provided  
 15 by a tenant of a rental dwelling unit, if the tenant asserts a disability requiring under any  
 16 provision of law that a service animal or ~~assistance~~emotional support animal be allowed  
 17 as an accommodation on the rented premises. A landlord may not require supporting  
 18 documentation from a tenant if the tenant's disability or disability-related need for a  
 19 service animal or ~~assistance~~emotional support animal is readily apparent or already known  
 20 to the landlord.

21 **Section 3. That § 43-32-35 be AMENDED:**

22 **43-32-35.** The supporting documentation ~~shall~~must confirm the tenant's disability  
 23 and the relationship between the tenant's disability and the need for the requested  
 24 accommodation. The documentation ~~shall~~must originate from a ~~licensed~~ health care

1 provider licensed in this state who does not operate in this state solely to provide  
2 certification for service or assistance animals. Supporting documentation received from  
3 an online source for an emotional support animal does not meet the requirements of this  
4 section.

5 **Section 4. That § 43-32-36 be AMENDED:**

6 **43-32-36.** If a ~~person~~tenant is found to have knowingly made a false claim of  
7 having a disability that requires the use of a service animal or ~~assistance~~emotional support  
8 animal, or of knowingly providing fraudulent supporting documentation in connection with  
9 ~~such a~~ the claim, a ~~lessor~~landlord may evict a ~~lessee~~tenant. ~~and the lessor~~The landlord is  
10 entitled to a damage fee, not to exceed one thousand dollars, from a ~~lessee~~tenant, if the  
11 ~~lessee~~tenant provides fraudulent disability documentation indicating a disability requiring  
12 the use of a service animal or ~~assistance~~emotional support animal.