



2026 South Dakota Legislature

House Bill 1231

Introduced by: **Representative Roby**

1 **An Act to clarify documentation requirements for assistance animals in rental**
 2 **dwelling units.**

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 Terms used in §§ 43-32-34 to 43-32-36, inclusive,~~
 6 ~~the term, service animal, refers to, mean:~~

7 (1) "Assistance animal," any animal that serves a role for an individual with a disability
 8 as an emotional support animal, ~~any, service, or~~ therapy animal, ~~or any assistance~~
 9 ~~animal, and the term, disability, is in a manner that is necessary for the health of~~
 10 ~~an individual; and~~

11 (2) "Disability," a physical or mental impairment that substantially limits one or more
 12 major life activities of ~~a person~~ an individual.

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

14 **43-32-34.** ~~A~~ Except as otherwise provided in this section, a landlord may require
 15 a tenant of the landlord's rental dwelling unit to provide reliable supporting documentation
 16 ~~be provided by a tenant of a rental dwelling unit,~~ if the tenant asserts a disability requiring,
 17 under any provision of law, ~~that a service animal or an~~ assistance animal be allowed as
 18 an accommodation on the rented premises.

19 ~~A~~ The landlord may not require supporting documentation from ~~a~~ the tenant if the
 20 tenant's disability or disability-related need ~~for a service animal or an~~ assistance animal
 21 is readily apparent or already known to the landlord.

22 The landlord is not required to grant a reasonable accommodation for an assistance
 23 animal if:

24 (1) The rental dwelling unit is in an owner-occupied building with four or fewer units;

- 1 (2) The rental dwelling unit is a single-family home, which the owner is attempting to
 2 sell or rent, without the assistance of a real estate agent or broker, provided the
 3 owner does not own more than three single-family homes; or
 4 (3) The specific animal poses a direct threat to the health or safety of other individuals
 5 or would cause substantial physical damage to the property of others, which may
 6 not be eliminated or reduced by reasonable modifications, based on an
 7 individualized assessment of the animal's actual conduct and not on assumptions
 8 about the animal's breed, size, or type.

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

10 **43-32-35.** ~~The~~ Reliable supporting documentation ~~shall~~ provided by a tenant
 11 pursuant to § 43-32-34:

- 12 (1) Must confirm the tenant's disability and the relationship between the tenant's
 13 disability and the need for the requested accommodation. ~~The documentation~~
 14 shall;
 15 (2) Must be issued no more than one year before the date of the request for
 16 accommodation, unless the disability or disability-related need is readily apparent,
 17 permanent, or ongoing;
 18 (3) Must originate from a licensed health care provider who does not operate in this
 19 state solely to provide certification for service or assistance animals;
 20 (a) Is acting within the scope of the provider's licensure;
 21 (b) Has personal knowledge of the tenant through a professional provider-
 22 patient relationship;
 23 (c) Conducted an individualized assessment of the tenant; and
 24 (d) Is familiar with the tenant's disability and functional limitations;
 25 (4) Must be on the provider's official letterhead, containing the provider's contact
 26 information and medical license number; and
 27 (5) May be obtained through online or telehealth services, provided that the
 28 documentation is issued only after final review and a written attestation by the
 29 provider that the documentation reflects an individualized determination of the
 30 tenant's disability-related need for the requested accommodation.
 31 A landlord may verify the authenticity of supporting documentation by confirming
 32 the provider's licensure and that the documentation was issued specifically for the tenant.

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

1 **43-32-36.** If a ~~person~~ tenant is found to have knowingly made a false claim of
2 having a disability that requires the use of ~~a service animal or an~~ assistance animal, or of
3 knowingly providing fraudulent supporting documentation in connection with ~~such a~~ the
4 claim, ~~a lessor~~ the landlord may evict ~~a lessee and the lessor~~ the tenant. The landlord is
5 entitled to a damage fee, not ~~to exceed~~ exceeding one thousand dollars, from ~~a lessee~~ the
6 tenant if the ~~lessee~~ tenant provides fraudulent disability documentation indicating a
7 disability requiring the use of ~~a service animal or an~~ assistance animal.