

## 2026 South Dakota Legislature

**House Bill 1231****AMENDMENT 1231A  
FOR THE INTRODUCED BILL**

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

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

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

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

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

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

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

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

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

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