

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;

- 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 be provided by a tenant**

11 lessee pursuant to § 43-32-34:

- 12 (1) Must confirm the tenant's lessee's disability and the relationship between the
- 13 tenant's lessee's disability and the need for the requested accommodation. The
- 14 documentation 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 licensed in this state;
- 21 (b) Is acting within the scope of the provider's licensure;
- 22 (b)(c) Has personal knowledge of the tenant lessee through a professional
- 23 provider-patient relationship;
- 24 (c)(d) Conducted an individualized assessment of the tenant lessee; and
- 25 (d)(e) Is familiar with the tenant's lessee's disability and functional limitations;
- 26 (4) Must be on the provider's official letterhead, containing the provider's contact
- 27 information and medical license number; and
- 28 (5) May be obtained through online or telehealth services, provided that the
- 29 documentation is issued only after final review and a written attestation by the
- 30 provider that the documentation reflects an individualized determination of the
- 31 tenant's lessee's disability-related need for the requested accommodation.
- 32 A landlord lessor may verify the authenticity of supporting documentation by
- 33 confirming the provider's licensure and that the documentation was issued specifically for
- 34 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.