

1 (c) require proof of compliance with state and local licensure and vaccination requirements for
2 each emotional support animal.

3 (3) If a tenant requests to keep more than one emotional support animal, information for each
4 emotional support animal must be provided pursuant to subsection (2).

5 (4) A landlord:

6 (a) may not request information under this section that discloses a diagnosis or severity of a
7 tenant's disability or any medical records relating to the disability, but a tenant may voluntarily disclose such
8 information or medical records to the landlord at the tenant's discretion; and

9 (b) shall issue a written determination after receiving supplemental information required in
10 subsection (2) and notice the determination pursuant to 70-24-108.

11 (5) An emotional support animal registration of any kind, including but not limited to an
12 identification card, patch, certificate, or similar registration obtained electronically or in person, is not, by itself,
13 sufficient information to reliably establish that a tenant has a disability-related need for an emotional support
14 animal.

15 (6) A tenant with a disability-related need for an emotional support animal is liable for any damage
16 done to the premises or to another person on the premises by the tenant's emotional support animal.

17 (7) A health care practitioner may be subject to disciplinary action from the health care
18 practitioner's licensing board for a violation of this section.

19 (8) This section does not apply to a service animal as defined in 49-4-203.

20 (9) Nothing in this section may be construed to restrict existing federal law and state law related to
21 a person's right to a reasonable accommodation and equal access to housing, including but not limited to the
22 federal Fair Housing Act, the federal Americans with Disabilities Act of 1990, or Title 49, chapter 2.

23 (10) As used in this section, the following definitions apply:

24 (a) "Emotional support animal" means an animal that a health care practitioner has determined
25 provides emotional, cognitive, or other similar support to an individual with a disability and does not need to be
26 trained or certified. The term does not include service animals as defined in 49-4-203.

27 (b) "Health care practitioner" means a mental health professional as defined in 53-21-102 who:

28 (i) has established a client-provider relationship with a tenant at least 30 days prior to providing

- 1 supporting information requested from a landlord regarding the tenant's need for an emotional support animal;
- 2 (ii) completes a clinical evaluation of a tenant regarding the need for an emotional support animal;
- 3 and
- 4 (iii) is acting within the scope of practice of the person's license or certificate."

5

6 **Section 2.** Section 70-33-110, MCA, is amended to read:

7 **"70-33-110. Emotional support animals -- documentation.** (1) A tenant with a disability or a
8 disability-related need for an emotional support animal may request and be approved by a landlord to keep an
9 emotional support animal as a reasonable accommodation in housing.

10 (2) Unless otherwise prohibited by federal law, rule, or regulation, a landlord may:

11 (a) deny a reasonable accommodation request for an emotional support animal if the animal poses
12 a direct threat to the safety or health of others or poses a direct threat of physical damage to the property that
13 cannot be reduced or eliminated by another reasonable accommodation;

14 (b) if a tenant's disability-related need for an emotional support animal is not readily apparent,
15 request supporting information that reasonably supports the tenant's need for the particular emotional support
16 animal being requested. Supporting information ~~may~~must include:

17 (i) information from a health care practitioner who has personal knowledge of the tenant's
18 disability and is acting within the scope of the practitioner's practice that identifies the particular assistance or
19 therapeutic emotional support provided by the specific animal. Information submitted under this subsection
20 (2)(b)(i) must include the effective date, license number, and type of professional license held by the health
21 care practitioner; ~~and~~ or

22 (ii) information from any other source that the landlord determines to be reliable in accordance with
23 the federal Fair Housing Act and Title 49, chapter 2; and

24 (c) require proof of compliance with state and local licensure and vaccination requirements for
25 each emotional support animal.

26 (3) If a tenant requests to keep more than one emotional support animal, information for each
27 emotional support animal must be provided pursuant to subsection (2).

28 (4) A landlord:

1 (a) may not request information under this section that discloses a diagnosis or severity of a
2 tenant's disability or any medical records relating to the disability, but a tenant may voluntarily disclose such
3 information or medical records to the landlord at the tenant's discretion; and

4 (b) shall issue a written determination after receiving supplemental information required in
5 subsection (2) and notice the determination pursuant to 70-33-106.

6 (5) An emotional support animal registration of any kind, including but not limited to an
7 identification card, patch, certificate, or similar registration obtained electronically or in person, is not, by itself,
8 sufficient information to reliably establish that a tenant has a disability-related need for an emotional support
9 animal.

10 (6) A tenant with a disability-related need for an emotional support animal is liable for any damage
11 done to the premises or to another person on the premises by the tenant's emotional support animal.

12 (7) A health care practitioner may be subject to disciplinary action from the health care
13 practitioner's licensing board for a violation of this section.

14 (8) This section does not apply to a service animal as defined in 49-4-203.

15 (9) Nothing in this section may be construed to restrict existing federal law and state law related to
16 a person's right to a reasonable accommodation and equal access to housing, including but not limited to the
17 federal Fair Housing Act, the federal Americans with Disabilities Act, or Title 49, chapter 2.

18 (10) As used in this section, the following definitions apply:

19 (a) "Emotional support animal" means an animal that a health care practitioner has determined
20 provides emotional, cognitive, or other similar support to an individual with a disability and does not need to be
21 trained or certified. The term does not include service animals as defined in 49-4-203.

22 (b) "Health care practitioner" means a mental health professional as defined in 53-21-102 who:

23 (i) has established a client-provider relationship with a tenant at least 30 days prior to providing
24 supporting information requested from a landlord regarding the tenant's need for an emotional support animal;

25 (ii) completes a clinical evaluation of a tenant regarding the need for an emotional support animal;

26 and

27 (iii) is acting within the scope of practice of the person's license or certificate."

28 - END -