



Texas Apartment Association

**Providing exceptional advocacy, education and communication
for the Texas rental housing industry.**

Support HB 3229 by Phelan: Stopping the Misrepresentation of Emotional Support Animals

State and federal laws protect individuals who require the use of service or assistance animals. Those animals are important and invaluable to those who need them.

- ★ Assistance animals work, provide assistance or perform tasks for individuals with a disability, including providing emotional support to alleviate one or more identified symptoms or effects of an individual's disability (such as extreme anxiety or post-traumatic stress disorder).
- ★ Service animals are specially trained or equipped dogs that assist individuals with disabilities.
- ★ Federal law requires public places (e.g. restaurants or airplanes) and housing providers (e.g. apartment communities or rental homes) to accommodate requests from individuals with disabilities who require a service or assistance animal.
- ★ State law prohibits housing providers from requiring an individual using an assistance animal to pay pet rent or provide a deposit for the animal.

In recent years, there has been an increase in individuals falsely claiming their pets are assistance animals.

- ★ Individuals are making such claims to take advantage of protections that are needed by those who have legitimate assistance animals.

This legislation maintains all current legal protections for individuals with service and assistance animals while creating deterrents for misrepresenting the need for an assistance animal to a housing provider.

- ★ Currently in Texas, it is a misdemeanor punishable by a fine of up to \$300 and 30 hours community service for an individual to falsely claim that an animal is a **service animal** in public places.
- ★ This legislation expands the prohibition to also forbid an individual from misrepresenting the disability-related need for an **assistance animal** in a housing accommodation.
- ★ The legislation also updates the definition of an "assistance animal" to be consistent with federal guidelines.

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