

AN ACT

Bill 19-161
Act 19-659
effective
January 31,
2013

Codification
District of
Columbia
Official Code
2001 Edition

To amend An Act To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia to enable persons with physical and mental disabilities, accompanied by a service animal, to have equal access to public accommodations and conveyances, to ensure persons with physical and mental disabilities accompanied by a service animal have equal access to housing, and to clarify applicable definitions.

Service
Animals
Access
Amendment
Act of 2012

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Service Animals Access Amendment Act of 2012”.

Sec. 2. An Act To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia, approved October 21, 1972 (86 Stat. 970; D.C. Official Code § 7-1001 *et seq.*), is amended as follows:

Amend
§ 7-1001

(a) Section 1 (D.C. Official Code § 7-1001) is amended by striking the phrase “The blind and other persons with physical disabilities” and inserting the phrase “Persons with physical or mental disabilities” in its place.

Amend
§ 7-1002

(b) Section 2 (D.C. Official Code § 7-1002) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “The blind and other persons with physical disabilities” and inserting the phrase “Persons with physical and mental disabilities” in its place.

(2) Subsection (b) is amended to read as follows:

“(b) Persons with physical or mental disabilities shall have the right to be accompanied by a service animal in any of the places, accommodations, or conveyances listed in subsection (a) of this section without being denied access because of the service animal. Such persons shall not be required to pay an extra charge for the service animal but shall be liable for any damage done to the premises or facilities by the service animal.”.

(3) Subsection (c) is amended by striking the phrase “who is blind or deaf” and inserting the phrase “with physical or mental disabilities” in its place.

(4) A new subsection (d) is added to read as follows:

“(d) In making a determination that an individual qualifies under this section, a public accommodation or conveyance may make a reasonable inquiry as to an individual’s need for a service animal but shall limit such inquiry to the following:

“(1) Whether the animal is required because of the individual’s disability;

“(2) The function or purpose of the animal, including the task or work the animal has been trained to perform;

“(3) Whether the animal meets the definition of a service animal provided in section 8(5); and

“(4) Whether the animal is housebroken.”.

(c) Section 5 (D.C. Official Code § 7-1006) is amended as follows:

**Amend
§ 7-1006**

(1) Subsection (a) is amended by striking the phrase “Blind persons and other persons with physical disabilities” and inserting the phrase “Persons with physical or mental disabilities” in its place.

(2) Subsection (b) is amended to read as follows:

“(b) Persons with physical or mental disabilities who have a service animal shall be entitled to full and equal access to all housing accommodations referred to in this section without being denied access because of the service animal. Such persons shall not be required to pay an extra charge for the service animal but shall be liable for any damage done by the service animal.”.

(3) A new subsection (d) is added to read as follows:

“(d) In making a determination that an individual qualifies under this section, a housing provider shall limit any inquiry to the minimum information and documentation necessary to establish that an individual meets the definition of persons with physical or mental disabilities provided in section 8(4) by requiring that a physician or other licensed healthcare professional verify that the individual meets the definition of persons with physical or mental disabilities. A housing provider may also require a person with a disability to demonstrate a nexus between his or her disability and the function that the service animal provides. A housing provider shall not inquire further into the nature or severity of the disability. A housing provider shall not require the individual to provide a description of the disability when making an eligibility determination. A housing provider shall not require the individual to provide eligibility documentation in less than 30 days.”.

(d) Section 8 (D.C. Official Code § 7-1009) is amended as follows:

**Amend
§ 7-1009**

(1) Paragraph (4) is amended to read as follows:

“(4) The term “persons with physical or mental disabilities” refers to an individual who has a medically determinable physical or mental impairment that substantially limits the ability of one to assist one’s self, to perform manual tasks, to engage in an occupation, to live independently, to walk, to see, or to hear.”.

(2) Paragraph (5) is amended to read as follows:

“(5) The term “service animal” means an animal, permitted in the District under section 9(h)(1) of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1808(h)(1)), including a guide dog, that is specially trained to assist a person who meets the definition of persons with physical or mental disabilities, and is one which a person with physical or mental disabilities relies on for disability-related assistance. The term also includes an animal in training by an organization that provides service animals to persons with physical or mental disabilities. The term does not encompass an animal whose sole purpose is to serve as a crime deterrent or that serves solely as a companion.”.

(3) Paragraph (6)(B) is amended by striking the phrase “a person who is blind or has a physical disability” and inserting the phrase “persons with physical or mental disabilities” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.