

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: SB1228

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Barker

3. Committee: General Laws and Technology

4. Title: Virginia Fair Housing Law; rights and responsibilities with respect to use of an assistance animal.

5. Summary: Sets out the rights and responsibilities under the Virginia Fair Housing Law (§ 36-96.1 et seq.) with respect to maintaining an assistance animal in a dwelling. The bill establishes a process for the review and approval or denial of a request from a person with a disability for reasonable accommodation to maintain an assistance animal in such person's dwelling. Under the bill, whenever a request for a reasonable accommodation to maintain an assistance animal in a dwelling is denied for reasons other than that the requester does not have (i) a disability or (ii) a disability-related need for an assistance animal, the person who receives the request shall initiate an interactive process with the individual requesting accommodation to determine if there is an alternative accommodation that would effectively address the disability-related need. The bill removes language providing that the terms "individual with a handicap" nor the term "handicap" do not apply to an individual solely because that individual is a transvestite. The bill also defines assistance animal, major life activities, and physical or mental impairment.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

7b. Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2017	\$0	N/A
2018	(\$14,000)	NGF
2019	(\$14,000)	NGF
2020	(\$14,000)	NGF
2021	(\$14,000)	NGF
2022	(\$14,000)	NGF
2023	(\$14,000)	NGF

8. Fiscal Implications: It is anticipated this bill would affect the federal funding received by the Department of Professional and Occupational Regulation (DPOR). The Virginia Fair Housing Office within DPOR investigates complaints involving the Virginia Fair Housing

Law and receives grant funding from the U.S. Department of Housing and Urban Development (HUD). Virginia's substantial equivalency status and associated federal grant funding is based on conformity between Virginia Fair Housing Law and federal requirements. This bill changes the substantial equivalency status by authorizing restrictions on the ability of people with disabilities to maintain assistance animals that are inconsistent with the federal Fair Housing Act.

HUD reimburses DPOR for each closed Fair Housing case at \$2,800 per case. In the past four years (since 2012), DPOR closed 23 cases that were related to assistance animals. DPOR divided the 23 cases by four years for an average of five cases per year. So far in FY 2017, DPOR has opened six cases related to assistance animals and there is a potential for one or two more cases. Five cases are a reasonable annual estimate. If the Virginia law is no longer substantially equivalent to Federal law, then HUD would not reimburse DPOR for those closed cases related to assistance animals and DPOR would lose grant funding. Based on an average of five cases per year that are related to assistance animals and a reimbursement of \$2,800 per case, DPOR would receive approximately \$14,000 less in grant funding per year.

9. Specific Agency or Political Subdivisions Affected: Department of Professional and Occupational Regulation.

10. Technical Amendment Necessary: No.

11. Other Comments: None.