



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4910 (Substitute S-1 as reported)
House Bill 4911 (as reported without amendment)
Sponsor: Representative Matt Hall (H.B. 4910)
Representative Sara Cambensy (H.B. 4911)
House Committee: Regulatory Reform
Ways and Means
Senate Committee: Regulatory Reform

CONTENT

House Bill 4910 (S-1) would enact the "Misrepresentation of Emotional Support Animals Act" to do the following:

- Prohibit an individual from falsely representing to a housing provider that he or she was disabled or was in possession of an emotional support animal.
- Allow a housing provider to request an individual seeking a reasonable accommodation for an emotional support animal sign a valid authorization consistent with the privacy provisions of the Health Insurance Portability and Accountability Act so that the provider could request documentation from the individual's health care provider.
- Allow a housing provider to require documentation from an individual's health care provider be provided annually.
- Specify that format and type of information that the documentation would have to include.
- Prohibit a health care provider from falsely representing that an individual had been diagnosed with a disability and required the use of an emotional support animal.
- Establish certain requirements for a health care provider that determined an individual needed an emotional support animal.
- Require a health care provider and the individual seeking a reasonable accommodation for an emotional support animal to have a bona fide provider-patient relationship.
- Specify that an individual who knowingly violated the Act would be guilty of a misdemeanor and prescribe penalties for a violation.
- Allow a housing provider to terminate the tenancy of an individual who falsely represented that an animal kept on the premises was an emotional support animal and to recover the premises through summary proceedings.
- Require the Department of Civil Rights to establish a telephone complaint hotline to receive reports of an individual who was falsely representing that he or she was in possession of an emotional support animal, reports of a health care provider that falsely represented that an individual needed an emotional support animals, and complaints from a tenant or prospective tenant regarding obtaining permission to keep an emotional support animal on a leased premises.

House Bill 4911 would amend Chapter 57 (Summary Proceedings to Recover Possession of a Premises) of the Revised Judicature Act to allow a housing provider to recover possession of a premises by summary proceedings after termination of a lease under the proposed Misrepresentation of Emotional Support Animals Act.

The bills are tie-barred.

MCL 600.5714 et al. (H.B. 4911)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

House Bill 4910 (S-1) would have a negative fiscal impact on State and local government. New misdemeanor arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, and jails. However, it is unknown how many people would be prosecuted under bill's provisions. Any additional revenue from imposed fines would go to local libraries.

The bill also would require the Department of Civil Rights to maintain a telephone complaint hotline. The Department has indicated that its current toll-free hotline should be sufficient to comply with the bill's requirement. Any additional costs are expected to be minimal and likely would be absorbed within current appropriations. However, should the Department be required to do more than forward the information to local law enforcement (e.g., investigations or enforcement) there could be additional costs, which would require additional funding. These potential additional costs are indeterminate and would depend on the nature of any additional responsibilities beyond reporting to local law enforcement.

House Bill 4911 would have no fiscal impact on State or local government.

Date Completed: 12-4-20

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