

Honolulu, Hawaii

FEB 16 2011

RE: S.B. No. 1302
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 1302 entitled:

"A BILL FOR AN ACT RELATING TO FAIR HOUSING REASONABLE ACCOMMODATIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to harmonize state prohibitions on housing discrimination with federal law by clarifying that reasonable accommodations to allow persons with disabilities to have access to housing when using service animals or comfort animals.

Your Committee received testimony in support of this measure from the Disability and Communications Access Board, the Hawai'i Civil Rights Commission, and one private individual. Your Committee received testimony in opposition to this measure from the Hawaii Chapter of the Community Associations Institute, the Board of the Association of Apartment Owners of The Admiral Thomas Apartments, Ewa by Gentry Community Association, and two private citizens.

Your Committee finds that service animals and comfort animals can be important to a person with a disability's ability to access housing and to live independently. Your Committee further finds that the State's compliance with federal fair housing law is a necessary prerequisite to the receipt of certain federal housing assistance funds. However, your Committee also finds that the inclusion of assistive animals in large, dense housing



developments such as high-rise condominiums merits special consideration in order to preserve the right of all residents to feel comfortable in their homes and to prevent abuse of the allowance of comfort animals. Therefore, your Committee requests that the proponents of this measure work with representatives of planned community and condominium associations toward a solution that allows for accommodation of comfort animals, as defined by federal law, for those who need them and takes into account the rights and interests of all residents. Your Committee further respectfully requests that, should your Committee on Judiciary and Labor consider this measure, that Committee consider any recommendations from advocates of this measure that reflect consensus among stakeholders.

Your Committee has amended this measure by:

- (1) Deleting provisions related to comfort animals in order to allow stakeholders to reach a consensus-based resolution of this issue;
- (2) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1302, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1302, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* <div style="text-align: center; font-size: 1.2em;">SB 1302</div>	Committee Referral: <div style="text-align: center; font-size: 1.2em;">CPN, JDL</div>	Date: <div style="text-align: center; font-size: 1.2em;">2-9-2011</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood	✓			
GREEN, M.D., Josh	✓			
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	7			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes