

STAND. COM. REP. NO.

898

Honolulu, Hawaii

MAR 05

, 2021

RE: H.B. No. 381

H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 381, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Codify the administrative definition of "assistance animal" for the purposes of real estate transactions;
- (2) Clarify the type of verification an individual may provide to establish the need for an assistance animal; and
- (3) Specify that the possession of a vest or other distinguishing animal garment, tag, or registration document commonly purchased online and purporting to identify an animal as a service animal or assistance animal does not constitute a valid verification of a disability-related need for an assistance animal.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawaii Disability Rights Center, Associa, Hawai'i Association of REALTORS, and one

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individual. Your Committee received comments on this measure from the Disability and Communication Access Board and Community Associations Institute - Hawaii Legislative Action Committee.

Your Committee finds that a person with a disability that includes the use of an assistance animal should be provided equal opportunity to use and enjoy a housing accommodation. Your Committee finds that the requirements imposed by this measure strike an appropriate balance between the needs of both parties to the real estate transaction.

Your Committee has amended this measure by:

- (1) Amending the types of verification that may be provided to establish the disability-related need for a specific assistance animal as a reasonable accommodation pursuant to guidance issued by the United States Department of Housing and Urban Development; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 381, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 381, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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MARK M. NAKASHIMA, Chair



**Record of Votes of the Committee on Judiciary & Hawaiian Affairs**

<b>Bill/Resolution No.:</b> HB 381, HDI	<b>Committee Referral:</b> HHH, JHA	<b>Date:</b> 2-24-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda				✓
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane				✓
12. WARD, Gene	✓			
<b>TOTAL (12)</b>	10	0	0	2
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				