

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 381
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 381, H.D. 2, S.D. 1, 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:

- (1) Codify the definition of "assistance animal" in the administrative rules;
- (2) Clarify the type of verification an individual may provide to substantiate a reasonable accommodation request for a specific assistance animal; and
- (3) Specify that 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 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, Hawai'i Association of REALTORS, Associa, and one individual. Your Committee received



comments on this measure from the Disability and Communication Access Board.

Your Committee finds that under the federal and state fair housing laws, landlords may allow "assistance animals" in rental properties that otherwise do not allow pets. For landlords seeking to follow the fair housing laws, this can create problems discerning between a legitimate request from a person with a disability and those from persons who simply wish to keep a pet in their rental unit. This measure provides clarification that assistance animals are animals that are needed to perform disability-related work, services, or tasks for the benefit of a person with a disability or provide emotional support that alleviates one or more identified symptoms or effects of a person's disability.

Your Committee has amended this measure by:

- (1) Removing language specifying the types of verification that a person engaged in a real estate transaction may request if an assistance animal does not readily appear to qualify as a service animal; and
- (2) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 381, H.D. 2, S.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, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



