

JAN 22 2021

A BILL FOR AN ACT

RELATING TO FAIR HOUSING REASONABLE ACCOMMODATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that recent legislation
2 prohibits the misrepresentation of animals as service animals.
3 Act 217, Session Laws of Hawaii 2018 (Act 217), amends the
4 definition of "service animal" to mean "any dog that is
5 individually trained to do work or perform tasks for the benefit
6 of an individual with a disability, including a physical,
7 sensory, psychiatric, intellectual, or other mental disability"
8 and requires that the work or tasks performed by the service
9 animal relate directly to the individual's disability. Act 217
10 also excludes other species of animals and the provision of
11 emotional support, comfort, or companionship.

12 The legislature further finds that the term "service
13 animal" applies in the general context of the Americans with
14 Disabilities Act, while the broader term "assistance animal",
15 which is used under the federal and state fair housing laws,
16 includes a wider category of animals who provide support,
17 including emotional support animals and service animals. When a



1 person with a disability requests the use of an assistance
2 animal as a reasonable housing accommodation, the housing
3 provider may ask for information, including verification from a
4 treating health care professional, that the person has a
5 disability and the requested assistance animal is needed to
6 alleviate one or more symptoms of the person's disability.

7 "Assistance animal" is defined in the State's administrative
8 rules, but not in statute.

9 To assist individuals requiring assistance animals and
10 housing providers requested to make reasonable accommodations
11 for assistance animals, the purpose of this Act is to:

- 12 (1) Codify the administrative definition of "assistance
13 animal";
- 14 (2) Clarify the type of verification that may be provided
15 by the individual to establish the need for an
16 assistance animal; and
- 17 (3) Specify that possession of a vest or other
18 distinguishing animal garment, tag, or registration
19 document commonly purchased online and purporting to
20 identify an animal as a service animal or assistance



1 animal does not constitute valid verification of a
2 disability-related need for an assistance animal.

3 SECTION 2. Section 515-2, Hawaii Revised Statutes, is
4 amended by adding a new definition to be appropriately inserted
5 and to read as follows:

6 "Assistance animal" means an animal that is needed to
7 perform disability-related work, services, or tasks for the
8 benefit of a person with a disability or provides emotional
9 support that alleviates one or more identified symptoms or
10 effects of a person's disability. Assistance animals may
11 include but are not limited to service animals, therapy animals,
12 comfort animals, or emotional support animals. Assistance
13 animals may have formal training or may be untrained and may
14 include species other than dogs."

15 SECTION 3. Section 515-3, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§515-3 Discriminatory practices.** It is a discriminatory
18 practice for an owner or any other person engaging in a real
19 estate transaction, or for a real estate broker or salesperson,
20 because of race[]; sex, including gender identity or
21 expression[]; sexual orientation[]; color[]; religion[];



1 marital status[]; familial status[]; ancestry[];
2 disability[]; age[]; or human immunodeficiency virus
3 infection:

4 (1) To refuse to engage in a real estate transaction with
5 a person;

6 (2) To discriminate against a person in the terms,
7 conditions, or privileges of a real estate transaction
8 or in the furnishing of facilities or services in
9 connection with a real estate transaction;

10 (3) To refuse to receive or to fail to transmit a bona
11 fide offer to engage in a real estate transaction from
12 a person;

13 (4) To refuse to negotiate for a real estate transaction
14 with a person;

15 (5) To represent to a person that real property is not
16 available for inspection, sale, rental, or lease when
17 in fact it is available, or to fail to bring a
18 property listing to the person's attention, or to
19 refuse to permit the person to inspect real property,
20 or to steer a person seeking to engage in a real
21 estate transaction;



- 1 (6) To offer, solicit, accept, use, or retain a listing of
2 real property with the understanding that a person may
3 be discriminated against in a real estate transaction
4 or in the furnishing of facilities or services in
5 connection with a real estate transaction;
- 6 [+] (7) [+] To solicit or require as a condition of engaging in a
7 real estate transaction that the buyer, renter, or
8 lessee be tested for human immunodeficiency virus
9 infection, the causative agent of acquired
10 immunodeficiency syndrome;
- 11 [+] (8) [+] To refuse to permit, at the expense of a person with a
12 disability, reasonable modifications to existing
13 premises occupied or to be occupied by the person if
14 modifications may be necessary to afford the person
15 full enjoyment of the premises; provided that a real
16 estate broker or salesperson, where it is reasonable
17 to do so, may condition permission for a modification
18 on the person agreeing to restore the interior of the
19 premises to the condition that existed before the
20 modification, reasonable wear and tear excepted;



1 [+] (9) [+] To refuse to make reasonable accommodations in rules,
2 policies, practices, or services, when the
3 accommodations may be necessary to afford a person
4 with a disability equal opportunity to use and enjoy a
5 housing accommodation; provided that if reasonable
6 accommodations include the use of an assistance
7 animal, reasonable restrictions may be imposed;
8 provided further that if the disability-related need
9 for an assistance animal is not readily apparent, an
10 owner or other person engaging in the real estate
11 transaction may request that a person claiming a
12 disability provide verification to establish the
13 disability-related need for a specific assistance
14 animal as a reasonable accommodation. The
15 verification shall be in writing by the person's
16 treating health care professional, mental health
17 professional, social worker, or rehabilitation
18 counselor. Possession of a vest or other
19 distinguishing animal garment, tag, or registration
20 documents that are commonly purchased online and
21 purporting to identify an animal as a service animal



1 or assistance animal shall not constitute valid
2 verification;

3 [+] (10) [+] In connection with the design and construction of
4 covered multifamily housing accommodations for first
5 occupancy after March 13, 1991, to fail to design and
6 construct housing accommodations in such a manner
7 that:

8 (A) The housing accommodations have at least one
9 accessible entrance, unless it is impractical to
10 do so because of the terrain or unusual
11 characteristics of the site; and

12 (B) With respect to housing accommodations with an
13 accessible building entrance:

14 (i) The public use and common use portions of
15 the housing accommodations are accessible to
16 and usable by persons with disabilities;

17 (ii) Doors allow passage by persons in
18 wheelchairs; and

19 (iii) All premises within covered multifamily
20 housing accommodations contain an accessible
21 route into and through the housing



1 accommodations; light switches, electrical
2 outlets, thermostats, and other
3 environmental controls are in accessible
4 locations; reinforcements in the bathroom
5 walls allow installation of grab bars; and
6 kitchens and bathrooms are accessible by
7 wheelchair; or

8 ~~(11)~~ To discriminate against or deny a person access to, or
9 membership or participation in any multiple listing
10 service, real estate broker's organization, or other
11 service, organization, or facility involved either
12 directly or indirectly in real estate transactions, or
13 to discriminate against any person in the terms or
14 conditions of access, membership, or participation."

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

18 INTRODUCED BY: *Karl Rhoads*



S.B. NO. 280

Report Title:

Deaf and Blind Task Force; Assistance Animals; Reasonable Accommodation Verification

Description:

Codifies the administrative rule definition of "assistance animal". Clarifies the type of verification an individual may provide to substantiate a reasonable accommodation request for a specific assistance animal. Specifies 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.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

