

From: penny levin [pennysfh@hawaii.rr.com]
Sent: Wednesday, February 25, 2009 11:04 PM
To: CPN Testimony
Subject: Testimony_SB1157 Relating to Discrimination in Real Property Transactions

Aloha;

I am testifying from the experience of a renter for most of my life until recently and a pet owner during periods of my life, and I oppose SB1157 Relating to Discrimination in Real Property Transactions. I make a distinction between pets and animals specially trained as guide dogs or for other caretaking duties.

While it is difficult for pet owners to find housing, perhaps more so on Oahu, they often do not take into consideration the impact they have on the home/unit they wish to rent, their impact on the neighborhood, nor the real needs of the animal. In the same fashion that moving into a farming community, doesn't make it okay to tell a farmer not to have roosters or to stop farming because it's messy; neither should a renter be able to force their pets on a house where an owner doesn't want them.

In too many cases, pets are kept in places too small for their own health or a pet owner fails to clean up adequately after a pet. A small yard is a cruelty to a larger animal that needs to stretch its legs and be active. The odors and stains left by pets, as with smokers, are extremely difficult and costly to remove and can linger for years. Pet owners are often immune to the smell. Professional cleaning with pet treatment may not always be enough to remove their presence.

Pets can inflict damage to a home; costs that can far exceed a deposit and are often irrecoverable even in court. Pets that are not house-broken or whose owners do not care for their pets well can do permanent damage to wood, drywall, rugs and floors, including scratching or chewing on baseboards and floors beyond repair. In older homes, replacement can often mean having to hire a finish carpenter to recreate the original woodwork. This is extremely expensive.

Even animals who are well-trained and beautifully kept can be a nuisance in the neighborhood. I have lived next door to dogs, whose owners swore their pets were quiet, but as soon as they left for work the dogs would howl, whine or bark all day long until the owners came home. The owners never heard the noise and swore their animals were well-behaved. Everyone around them had to put up with it. Imagine the impact in an apartment building? Nothing in this bill would prevent this. Calling the Humane Society or the police is not the answer (there is better use for their time). It makes for bad relations between neighbors and avoids pet-owner responsibility.

SB1157 would also force a dwelling owner to rent to someone whose pets may be aggressive, making it difficult for an owner to conduct inspections and repairs or unsafe for others in the neighborhood, especially children. Would a unit owner, then be required to shoulder the cost of fencing off a yard to prevent an attack or to contain an animal? Would they be liable for an attack if they didn't provide the fence? Would a home owner be forced to rent to a person with 10 dogs or 17 cats? This bill is too generic and opens the door for every imaginable situation to occur at the expense of a property owner with no responsibility placed on the pet owner.

Pets in small places can also do irreversible damage to a yard, including digging up or chewing plants, making holes, and killing off grass from urine and pacing (ie. dogs on a chain) even when feces are picked up and disposed of, and causing soil erosion. Pets confined to a small place create health issues in small yards where urine and feces build up in the soil. Parasites such as worms or toxoplasmosis (transmitted by cats) can result in serious illness particularly for pregnant women and children. Children play in the dirt and put their fingers in

their mouth. Doctors warn pregnant women not to handle litter boxes due to the risk of disease and parasite transmission. Taxoplasmosis is permanent and in its worst form attacks the brain. There is no treatment to remove taxoplaxmosis parasites from animals or the soil. Fleas and ticks are also real and regular problems that are left behind after a pet owner leaves.

People form close bonds with their pets; I certainly have. However, it is also the kuleana of a pet owner to consider the impacts they have on others, including prospective neighbors, and to own a pet responsibly. If the state requires a home or apartment owner to allow pets, they also need to require the pet owner to resume all responsibilities, liabilities and damages. Do we need more legal baggage? No.

An simpler solution is to allow a decision to be made between a property owner and a potential renter who is a pet owner without over-regulation by the state.

Please oppose SB1157.

Mahalo for this opportunity to testify.

Penny Levin

Maui

LATE

Testimony of
Anastasia Clark, Member of the Hawaii Paralegal Association
Before the
House Committee on Commerce and Consumer Protection
Thursday February 26, 2009
8:30 am Room 229
On

SB 1157 Relating to Discrimination in Real Property Transactions

Dear members of the Committee:

I strongly support SB 1157 which purpose is to prohibit landlords from discriminating against a tenant with a pet. This Bill will resolve to the people living in apartments and wishing to have pets - to have them.

Many people owning a condominium have a lot of space and would love to have pets, to love and take care of them. However, their building policy does not allow pets. Not only does it not allow pets but also the maintenance fees are incredibly high, sometimes near \$1000 a month. It almost feels like people do not even own the place when all these rules are thrown and every month fees keep going up. I think when you own something you should be able to do whatever you want with it.

When it comes to finding a rental house or apartment, the rental listings are filled with "no pets allowed" ads. Therefore, for those who own pets, even well behaved ones, finding a rental can be a tremendous challenge. In fact, many pets abandoned to pet shelters end up there because the owner's simply could not find a place to live that accepts pets. It is more common to prohibit pets in apartments and condominiums, and it does make your property available to less people. By eliminating pets, specifying "prefer no pets" or "pets negotiable", you are probably eliminating 80% of the people in the market for a rental unit! Usually pet policy prohibits pet ownership or discriminates against persons relative to admission or continued occupancy because they own pets.

Looking for an apartment to rent potential tenant must begin to by calling property management companies and ask if any of the properties or apartments accept any kind of pets, and if so, what kind of pets. You need to ask for clarification - sometimes birds or caged animals are acceptable while cats and dogs are not. Likewise, sometimes cats and dogs under a certain weight are accepted, while larger breeds are not. Sometimes there is a limit of one pet per apartment. Meanwhile companies make money by charging a fee to pet owners to locate pet-friendly accommodations for them.

I also believe that pets prohibited rules shall not apply to situations where animals that assist persons with disabilities or elderly are required, including renting category of people. Persons with disabilities requiring special assistance pets must document this need with the Housing Authority. Such persons should not be charged the monthly fee nor will they be charged the security deposit or required to carry insurance. These special purpose pets are assumed to be properly trained and maintained as witnessed by certification from an appropriate concern that engages in such training of special purpose animals. The owner must provide the Housing Authority with proof of this special

training certification. Nothing in this statement, however, relieves the owner of a pet who assists persons with disabilities from maintaining the pet in accordance with the remaining Policy Terms.

In view of the foregoing considerations, prohibiting of having pets, discriminating ownership of a domestic animals, make people's life less interesting and more complicated.

I encourage hereby the committee to pass this measure.
Thank you for the opportunity to provide this testimony.

baker2 - Michele

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 25, 2009 11:05 PM
To: CPN Testimony
Cc: carpediem1154@aol.com
Subject: Testimony for SB1157 on 2/26/2009 8:30:00 AM

LATE

Testimony for CPN 2/26/2009 8:30:00 AM SB1157

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: S. Ricarte
Organization: Individual
Address:
Phone:
E-mail: carpediem1154@aol.com
Submitted on: 2/25/2009

Comments:



HAWAII INDEPENDENT CONDOMINIUM & COOPERATIVE OWNERS
1600 ALA MOANA BLVD. - APT. 3100 - HONOLULU - HAWAII 96815

February 26, 2009

Senator Rosalyn H. Baker, Chair
Committee on Commerce and
Consumer Protection

**Testimony on SB 1157 Relating to Discrimination in Real Property
Transactions**

Dear Senator Baker:

Thank you for this opportunity to testify in opposition to SB 1157 on behalf of the Hawaii Independent Condominium and Co-op Owners (HICCO).

Our organization agrees with the Hawaii Council of Associations of Apartment Owners (HCAAO) that SB 1157 should be held. This bill proposes to make pet owners an additional "protected class" under the discrimination statute.

As an original member of Hawaii's Civil Rights Commission, I find it incomprehensible that we would make "ownership of a domesticated animal" the equivalent of racial, sexual and other classes that are protected against discrimination.

It should be noted that individuals who own domesticated animals already have certain rights to locate in "no-pet" condominiums with their animals under certain conditions outlined by the testimony provided by the HCAAO.

We appreciate your consideration of our testimony in opposition to SB 1157.

Sincerely,

Richard Port

Richard Port, Chair
Legislative Committee



February 25, 2009

SENATE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
REGARDING SENATE BILL 1157

Hearing Date : THURSDAY, February 26, 2009
Time : 8:30 a.m.
Place : Conference Room 229

Chair Baker and Members of the Committee:

My name is John Morris and I am testifying against SB 1157 on behalf of the Hawaii Legislative Action Committee of the Community Associations Institute ("CAI"). CAI Hawaii is the local chapter of a national organization dedicated to improving the management and operation of community associations nationwide. CAI has over 200 members in Hawaii and over 14,000 nationwide.

CAI opposes this bill because it goes even farther than SB 1156 by making a landlord's prohibition of pets discrimination. As the text of the bill confirms, Hawaii's discrimination already permits disabled persons to have service animals in rented property if the animals are necessary for the persons' disabilities. SB 1157 would go much farther by simply allowing any resident who wishes to have a pet in the property of a landlord to be deemed a member of a protected class. In doing so, SB 1157 proposes to place the landlord in violation of the discrimination law for attempting to prohibit pets.

The discrimination law should be reserved for serious issues that must be resolved as a matter of public policy. Using the discrimination law to facilitate the desire of someone to keep a pet in the property of another extends the discrimination law beyond its reasonable limits. Therefore, CAI asked the committee to hold this bill.

Please contact me at 523-0702 if you have any questions. Thank you for this opportunity to testify.

Very truly yours,

John A. Morris
Hawaii Legislative Action Committee
of the Community Associations Institute

TESTIMONY IN OPPOSITION OF HB1609/SB1157 AND HB 1608/SB 1156

LATE

TESTIMONY OF:

ANNAMARIA MIRU

President, Association of Apartment Owners of Maunaihi Terrace
Site Manager, Camelot Condominiums

Members of the Committee:

My name is Annamaria Miru. I am the Site Manager of Camelot Condominiums, a 190-unit condominium project in Makiki. The project is the home to approximately 350-400 residents. I am also the President of the Association of Apartment Owners of Maunaihi Terrace, a 74-unit condominium with 200+ residents.

I am writing to you to express my opposition HB1609/SB1157 and HB 1608/SB 1156. I **strongly believe that the introduced bills are severely flawed** for the following reasons:

- The term "domesticated animal" is not defined. Would all animals that are not wild animals be considered "domesticated animals?" If so, would landlords be prohibited to deny rent to tenants who own ponies, potbelly pigs, cows, goats, chimpanzees, roosters, etc? Have the bills considered the limitations on and definitions of "domesticated animals?" It appears to be an oversight.
- Currently, landlords are limited to hold a security deposit from tenants that does not exceed one month's rent [See HRS §521-44(a)]. Is it reasonable to force landlords to allow tenants whose ponies, goats or even dogs may ruin their hardwood floors and not be able to replace the damaged flooring because one month's rent will only cover a very small fraction of the replacement costs? Should a cat urinate on a padded wall-to-wall carpet, will this landlord be forced to absorb the majority of the recarpeting costs? Making repairs to apartments that allow pet — all domesticated pets, at that — would make renting apartments an unprofitable venture, and would eventually turn decent apartments and condominium buildings into run-down tenements. It would only be fair to landlords if the same House Bill and Senate Bills would change HRS §521-44(a), whereas landlords would be allowed to collect a security deposit in the amount of ten times one month's rent. That amount would come closer to the actual amount that the repairs to flooring, cabinetry, drywalls, etc. currently cost.
- Most condominiums have House Rules that explicitly prohibit pets, and they do so for a reason. House Rules are adopted by the majority of the owners who co-own the common elements and the ground under their projects. The majority of these owners said that they don't wish to have pets in their projects, for one reason or another (they don't want the associated noise, smell, droppings, associated replacement costs, allergens, etc.) When condominium property owners purchased their properties, they gave careful consideration to these rules before committing to the purchase. Since most apartments share their kitchen and bath vent systems, when one apartment has a pet, all apartments in that stack are subject to the allergens. People who suffer from allergy or asthma would not consider owning any real estate property where their apartment and the common areas are subject to pet allergens. Per capita, Hawaii has the highest number of asthma patients. People, who already purchased real estate in good faith, relying on non-pet policies and house rules of condominium projects, will be stripped of their right to enjoy their properties in the same, allergen-free ways. These bills do not address the ability to grandfather in non-pet policies of existing projects, much less do these bills grandfather in existing non-pet policies automatically. This is a major oversight.

- People who truly need the company of pets (service animals) are already a protected class (under "disability"). There is absolutely no genuine need to make pet ownership a protected class.

In conclusion, I am entirely against these bills. The results of these bills would be devastating to a lot of people who worked very hard their entire life, making personal sacrifices for decades, to own a piece of the rock. Owning real estate is the cornerstone of what America stands for, and the right that rests in property ownership is one of the strongest most fundamental.

Let's not demolish it with bills that do very little good and whole lot of harm.