

JAN 28 2009

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# A BILL FOR AN ACT

RELATING TO DISCRIMINATION IN REAL PROPERTY TRANSACTIONS.

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

1           SECTION 1. The legislature finds that one out of every  
2 seven people in Hawaii keeps an animal as a companion. Yet  
3 thousands of animals are euthanized each year because pet  
4 owner/tenants are prohibited from keeping pets in rental housing  
5 units. The court system is clogged with pet-related eviction  
6 proceedings that sometimes result in homeless tenants as well as  
7 pets.

8           The purpose of the Act is to prohibit landlords from  
9 discriminating against a tenant with a pet.

10          SECTION 2. Section 515-3, Hawaii Revised Statutes, is  
11 amended to read as follows:

12          "§515-3 Discriminatory practices. It is a discriminatory  
13 practice for an owner or any other person engaging in a real  
14 estate transaction, or for a real estate broker or salesperson,  
15 because of race, sex, including gender identity or expression,  
16 sexual orientation, color, religion, marital status, familial



1 status, ancestry, disability, age, ownership of a domesticated  
2 animal, or human immunodeficiency virus infection:

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

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

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

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

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

21 (6) To print, circulate, post, or mail, or cause to be  
22 published a statement, advertisement, or sign, or to



1 use a form of application for a real estate  
2 transaction, or to make a record or inquiry in  
3 connection with a prospective real estate transaction,  
4 that indicates, directly or indirectly, an intent to  
5 make a limitation, specification, or discrimination  
6 with respect thereto;

7 (7) To offer, solicit, accept, use, or retain a listing of  
8 real property with the understanding that a person may  
9 be discriminated against in a real estate transaction  
10 or in the furnishing of facilities or services in  
11 connection therewith;

12 (8) To refuse to engage in a real estate transaction with  
13 a person or to deny equal opportunity to use and enjoy  
14 a housing accommodation due to a disability because  
15 the person uses the services of a guide dog, signal  
16 dog, or service animal; provided that reasonable  
17 restrictions or prohibitions may be imposed regarding  
18 excessive noise or other problems caused by those  
19 animals. For the purposes of this paragraph:

20 "Blind" shall be as defined in section 235-1;

21 "Deaf" shall be as defined in section 235-1;



1           "Guide dog" means any dog individually trained by  
2 a licensed guide dog trainer for guiding a blind  
3 person by means of a harness attached to the dog and a  
4 rigid handle grasped by the person;

5           "Reasonable restriction" shall not include any  
6 restriction that allows any owner or person to refuse  
7 to negotiate or refuse to engage in a real estate  
8 transaction; provided that as used in this paragraph,  
9 the "reasonableness" of a restriction shall be  
10 examined by giving due consideration to the needs of a  
11 reasonable prudent person in the same or similar  
12 circumstances. Depending on the circumstances, a  
13 "reasonable restriction" may require the owner of the  
14 service animal, guide dog, or signal dog to comply  
15 with one or more of the following:

- 16           (A) Observe applicable laws including leash laws and  
17 pick-up laws;
- 18           (B) Assume responsibility for damage caused by the  
19 dog; or
- 20           (C) Have the housing unit cleaned upon vacating by  
21 fumigation, deodorizing, professional carpet



1 cleaning, or other method appropriate under the  
2 circumstances.

3 The foregoing list is illustrative only, and neither  
4 exhaustive nor mandatory;

5 "Service animal" means any animal that is trained  
6 to provide those life activities limited by the  
7 disability of the person;

8 "Signal dog" means any dog that is trained to  
9 alert a deaf person to intruders or sounds;

10 (9) To solicit or require as a condition of engaging in a  
11 real estate transaction that the buyer, renter, or  
12 lessee be tested for human immunodeficiency virus  
13 infection, the causative agent of acquired  
14 immunodeficiency syndrome;

15 (10) To refuse to permit, at the expense of a person with a  
16 disability, reasonable modifications to existing  
17 premises occupied or to be occupied by the person if  
18 modifications may be necessary to afford the person  
19 full enjoyment of the premises. A real estate broker  
20 or salesperson, where it is reasonable to do so, may  
21 condition permission for a modification on the person  
22 agreeing to restore the interior of the premises to



1 the condition that existed before the modification,  
2 reasonable wear and tear excepted;

3 (11) To refuse to make reasonable accommodations in rules,  
4 policies, practices, or services, when the  
5 accommodations may be necessary to afford a person  
6 with a disability equal opportunity to use and enjoy a  
7 housing accommodation;

8 (12) In connection with the design and construction of  
9 covered multifamily housing accommodations for first  
10 occupancy after March 13, 1991, to fail to design and  
11 construct housing accommodations in such a manner  
12 that:

13 (A) The housing accommodations have at least one  
14 accessible entrance, unless it is impractical to  
15 do so because of the terrain or unusual  
16 characteristics of the site; and

17 (B) With respect to housing accommodations with an  
18 accessible building entrance:

19 (i) The public use and common use portions of  
20 the housing accommodations are accessible to  
21 and usable by disabled persons;



- 1                   (ii) Doors allow passage by persons in
- 2                                   wheelchairs; and
- 3                   (iii) All premises within covered multifamily
- 4                                   housing accommodations contain an accessible
- 5                                   route into and through the housing
- 6                                   accommodations; light switches, electrical
- 7                                   outlets, thermostats, and other
- 8                                   environmental controls are in accessible
- 9                                   locations; reinforcements in the bathroom
- 10                                  walls allow installation of grab bars; and
- 11                                  kitchens and bathrooms are accessible by
- 12                                  wheelchair; or

13           (13) To discriminate against or deny a person access to, or

14                   membership or participation in any multiple listing

15                   service, real estate broker's organization, or other

16                   service, organization, or facility involved either

17                   directly or indirectly in real estate transactions, or

18                   to discriminate against any person in the terms or

19                   conditions of such access, membership, or

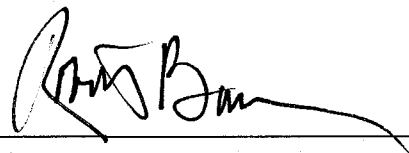
20                   participation."

21           SECTION 3. New statutory material is underscored.

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



A handwritten signature in black ink, appearing to read "Chris Brown", is written over a horizontal line.





**Report Title:**

Real Property Transactions; Pets

**Description:**

Prohibits landlords from discriminating against tenants with pets.

