
From: robie lovinger [rezumes@hotmail.com]
Sent: Saturday, February 12, 2011 11:20 PM
To: HSGtestimony
Subject: Testimony in support of HB 601

H. Louise Esselstyn, U.S. Citizen and Resident of Hawaii
House Committee on Housing
Wednesday, February 16, 2011, 8:30 a.m.
Capitol, Room 325
The Service Animal Bill, HB 601 (This is the house version of SB 892).

I would like to express appreciation to the Committee Chair, Representative Rida Cabanilla, and to the members of the Committee.

As a person with a disability, I strongly urge passage of HB 601, Relating To Service Animals. I support conformity with new ADA rules regarding the definition of "service dog" including the definition, as it relates to dog licensing in Hawaii.

I also support the inclusion of "comfort animals", to conform with FHA rules regarding non-discrimination, in the sale or rental of housing in Hawaii.

Thank you.

H. Louise Esselstyn, M.Div.
808-227-6781-personal cell
92-1085 Kakoo Place
Kapolei, HI 96707

Dara Fukuhara
98-1951 A Kaahumanu Street
Aiea, Hawaii 96701

House Committee on Housing
Representative Rida Cabanilla, Chair
Hawaii State Capitol
415 Beretania Street
Honolulu, HI 96813

February 15, 2011

Re: Support for HB 601 Relating to Service Animals

Dear Representative Cabanilla and members of the House Committee on Housing,

My name is Dara Fukuhara. I'm wheelchair-user and I'm currently training a labradoodle to be my future service dog. I support HB 601 to make State laws conform to federal law regarding service animals.

As this is my first service dog, I understand I have a responsibility as a service dog handler to follow laws regarding service animals. However, it gets confusing as to which law to follow. Therefore:

- State law should match federal laws for definition of service animals and rights of handlers.
- State law for housing should encompass service animals and comfort animals to be consistent with the Federal Fair Housing Act (FHA).
- Since under federal law a government or private entity may not ask for proof of certification, training or licensing, it is not necessary to do so in state law, at this time.
- Service dogs in training are not covered by either state or federal law, but may be requested and allowed that a dog in training come into a business with permission of the owner.

To allow people with disabilities to remain independent in the community, we need to have State law conform to federal law to lessen the confusion about when animals are allowed to go into places of public accommodation and government facilities to receive services.

Thank you for the opportunity to testify.

Sincerely,



Dara Fukuhara

Service Animal Handler

From: Lucy Miller [drlucy@hawaii.rr.com]
Sent: Saturday, February 12, 2011 4:23 PM
To: HSGtestimony
Cc: Debbie L. Jackson
Subject: Support HB 601

Representative Rida Cabanilla, Chair
House Committee on Housing
Hawaii State Capitol
415 Beretania Street
Honolulu, HI 96813

February 15, 2011

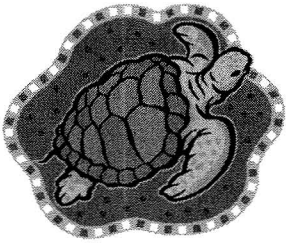
Dear Senator Cabanilla and members of the Committee on Housing

My name is Lucy Miller. I am deaf and partner with a hearing dog who alerts me to environmental sounds that I don't hear, thus greatly increasing my safety both in my home and out in the community.

I support HB 601 which provides compliance with the recent modifications to the federal ADA guidelines, particularly with respect to clarifying the definition of service animals and persons with disabilities. The intent of these clarifications is to lessen confusion in interpreting and applying the original language of the ADA.

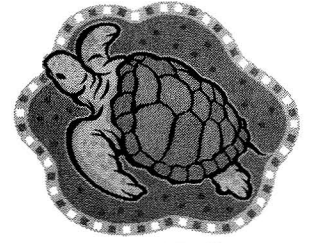
Thank you for the opportunity to testify.

Sincerely,
Lucy Miller, Ph.D.
Lihue, Hawaii



Francine Mae Aona Kenyon

*dba Kuli Ike Kokua
2520 Jasmine Street
Honolulu, HI 96816
archerygal001@gmail.com*



HOUSE COMMITTEE ON HOUSING

**Representative Rida T. R. Cabanilla, Chair
Representative Pono Chong, Vice-Chair**

Wednesday, February 16, 2011 at 8:30 am in Conference Room 325

HOUSE BILL NO. 601, RELATING TO SERVICE ANIMALS

Aloha, my name is Francine Mae Aona Kenyon. . I am an active, strong Deaf advocate for the civil rights of people who are deaf, hard of hearing, and deaf-blind in the State of Hawaii with many hats. I have been testifying for 20 years on various bills.

I support with intent of Senate Bill No. 892 that adds a definition of "service dog" in provisions relating to dog licensing, to conform with new ADA rules and expands the definition of "service animal" to include "comfort animals", to conform with FHA rules regarding non-discrimination in the sale or rental of housing because I love dogs and cats but don't have any in my house! I used to have a family dog in Maryland where I lived for 19 years before moving back to Hawaii.

Section 347-13, Lines 8 and 20 are not consistent. **Line 8** states: **Persons who are blind, visually impaired, disabled** and **Line 20** states: Every person who is blind, deaf or hard of hearing, visually impaired, or disabled. To be more consistent, insert the word, "**deaf or hard of hearing**," after "blind", on Line 8.

Sparky, my dog who is now deceased, trained himself to alert and protect me. He looked at the door and looked up at me, wagging his tail. I thought he wanted to go outside but all of sudden it was a deaf friend who happened to knock on the front door! But whenever a hearing person came to the door, he barked fiercely at the door, alerting me that someone was at the door. He was very smart and walked away after I answered the door. I do not call Sparky a "comfort dog", but a true friend of mine.

It is okay to have a comfort dog in the homes or apartments but what about the rules in stores or in business places because I noticed some people without the disability bringing their small dogs in the shopping carts or in the big purses. Are they ignoring the signs, saying "Only service dogs" or telling that they have the disabilities? How do we know? We need to caution about bringing the comfort animals to the stores or to some business because they are not trained not to bark at the people walking past or to bite them or fight with other dogs. The stores or businesses should explain clearly about the law on service animals or comfort animals. If the comfort animals are trained to be therapy dogs in the hospitals, in care homes, or nursing homes, that is fine..

I have a great confidence in you for making the wise decision-making. I recommend you pass House Bill No. 601 to conform with new ADA rules and Fair Housing Act.

Sincerely,

Francine Mae Aona Kenyon
Deaf Advocate

From: Antonette Port [portr001@hawaii.rr.com]
Sent: Monday, February 14, 2011 4:11 PM
To: HSGtestimony
Subject: Testimony HB 601

Testifier: Richard Port
Committee/s: Committee on Housing
Date of Hearing: Wednesday, February 16, 2011
Time and Place of Hearing: 8:30 a.m. Conf. Rm #325
Bill Number and Title: HB 601: Relating to Service Animals

Dear Rep. Cabanilla,

This testimony is in opposition to the expansion of the definition of 'service animals' to include 'comfort animals' in condominiums.

As a former and original commissioner of Hawaii's Civil Rights Commission, I strongly support all of our current Civil Rights Laws. However, there will be serious consequences to having hundreds of animals in condominium buildings that have prohibited animals, other than currently defined 'service animals' on their premises.

Some apartment buildings do allow animals, and they have been designed to provide areas for these animals. However, other buildings will be severely impacted if the definition of 'service animals' is enlarged to include 'comfort animals'.

Please hold House Bill 601.

Thank you for this opportunity to testify,

Richard Port



Hawaii Fi-Do Service and Therapy Dogs

Accredited ADI Program

PO Box 757
Kahuku, Hi 96731
Phone: 808-6380200
hifido@hawaii.fi-do.com
www.hawaiifido.org

EIN # 99-0353345

February 15, 2011

The Service Animal bill, HB 601,
House version of SB 892.

House Committee on Housing
Representative Rida Cabanilla, Chair

Hawaii Fi-Do Service Dogs, the first accredited service dog program in Hawaii and only one on Oahu, strongly supports this bill.

Please pass this bill to help the working teams in Hawaii.

The law does need clarification as to what a service dog is and this is a good step in that direction.

We greatly appreciate your support on this issue.

Feel free to contact us if you have any questions as to the standards and training of service dogs under the Assistance Dogs International rules.

Board of Directors

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Attorney at Law

Advisory Board

Cindy File

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Karen Lombardi

Attorney at Law

Selma Brown

Accountant

Sincerely,

A handwritten signature in black ink that reads "Susan Luehrs". The signature is written in a cursive, flowing style.

Susan Luehrs
Executive Director





HAWAI'I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 16, 2011
Conference Room 325
8:30 a.m.

To: The Honorable Rida Cabanilla, Chair
Members of the House Committee on Housing

From: Coral Wong Pietsch, Chair
and Commissioners of the Hawai'i Civil Rights Commission

Re: H.B. No. 601

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai'i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

The HCRC has several concerns about H.B. 601, which purports to conform state law to recently finalized U.S. Department of Justice (DOJ) rules regarding service animals that apply to Title II of the Americans with Disabilities Act (ADA), relating to government services and programs, and Title III of the ADA, relating to public accommodations. Initially, it must be noted that the DOJ rules do **not** apply to:

a) Title I of the ADA, relating to employment; b) the federal Fair Housing Act (FHA) relating to housing situations; or to c) the federal Air Carriers Access Act (ACAA). ADA Title I employment provisions, the FHA and the ACAA have broader definitions and interpretations of "service animal" and reasonable accommodations for persons with disabilities under those laws can include the use both service animals and emotional support/comfort animals.

In addition, state law can provide more protections than federal law. See, California Federal Sav. and Loan Ass'n v. Guerra, 479 U.S. 272, 107 S. Ct. 683 (1987) (federal law is a “floor” beneath which protections against discrimination should not drop, rather than a “ceiling” above which protections cannot rise under state discrimination laws.) While the rules regarding service animals under the ADA Titles II and III narrowly define “service animals” to include dogs (and miniature horses) only, state statutes regarding reasonable accommodations for persons with disabilities in public accommodations may be interpreted more broadly.

While the HCRC does not oppose conforming H.R.S. §347-13 to the ADA Titles II and III administrative rules, the ADA Title II and III rules do not necessarily control interpretation of the state law which prohibits discrimination in places of public accommodations, H.R.S. Chapter 489. Accordingly, Section 1 of the bill should be amended to clarify that the purpose of the bill is to conform the affirmative provisions of H.R.S. §347-13, and not “state law” generally, to the public conveyances provisions of Title II and III of the ADA.

In Section 4 of the bill, which deals with service animals and comfort animals in the fair housing context, the Commission also opposes limiting the definition of “service animal” to dogs only. HUD, in its final rules regarding animals in HUD assisted housing, states that the ADA Title II and III definitions of service animals only as dogs does not apply to the FHA. See, 73 Fed. Reg. 638383, 63834-38 (October 27, 2008). Similarly, the definition of “service animal” under H.R.S. chapter 515 is not limited to exclusively to dogs, and a person with a disability may request a reasonable accommodation in the form of an assistance animal, such as a comfort or emotional support animal which may or may not be a “service animal.”

The Disability and Communications Access Board (DCAB) has drafted amendments to H.B. 601 that address these and other concerns. For the reasons stated above, the HCRC supports and urges adoption of DCAB’s proposed amendments in an H.D.1.



February 15, 2011

TESTIMONY HB 601

OPPOSED

Hawaii First is the third largest association management company in Hawaii and regularly conducts association meetings.

This Bill is disguised to be consistent with federal and state law. Nothing could be further from the truth and lacks reality of what is happening in associations.

Let's be clear, associations and management companies support accommodations for disabled persons. Regularly associations approve and will continue to approve accommodations for disabled persons.

Many owners choose to live in an association that is pet free for various reasons including severe allergies and fear of animals. After purchasing their apartment, some owners seek means to have a pet and get around the rules. Residents can purchase online certificates that their animal meets service/comfort animal qualifications.

I copied the following article from the Internet:

Can i claim two of my cats are emotional support animals?

I do suffer from depression, but haven't seen my psychiatrist for a year or so, my property manager wants me to get rid of one of my cats, but they both came together, and they have made my life a whole lot better, is there any way to reason with her about this, do I need any documentation that states they are emotional support?

by Pearl

Best Answer - Chosen by Asker

Yes, you do need documentation, from your psychiatrist or another mental health professional who is currently treating you. Here's an example of the type of letter your mental health professional will have to write:

<http://servicedogcentral.org/content/nod...>

You can try to claim both as emotional support animals, but that doesn't mean you'll succeed. Discuss this with your mental health provider and how it will impact your health. Ask him to address this issue in his letter.





Please note: It is not enough to be mentally ill to qualify for an accommodation for an emotional support animal. You must actually be disabled by mental illness to qualify for any protections under the Fair Housing Amendments Act to have an ESA in "no pets" housing.

Approximately 1 person in 4 in the U.S. has suffered from, is suffering from, or will suffer from mental illness at some point in their lives. Only six percent, on the other hand, are actually disabled by mental illness. The vast majority are not disabled by their illness, either because it is temporary or not severe enough to qualify.

Example: a person with 20/40 vision has a vision impairment, but is not blind. The severity of the vision loss is what determines whether the person is merely impaired or is disabled. Just as most vision impairments are not disabling, neither are most mental illnesses.

This Bill opens the door for misuse of the terms "emotional support", "comfort", "service" animal.

This is an important issue and prefer that a task force of qualified persons address this issue to clarify and propose rules that are fair and work for all. I support the right of the disabled but this Bill will open the door for widespread abuse.

I OPPOSE HB 601.

Warmest aloha,

A handwritten signature in black ink, appearing to read "Richard Emery".

Richard Emery
President





DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 16, 2011

TESTIMONY TO THE HOUSE COMMITTEE ON HOUSING

House Bill 601 - Relating to Service Animals

The Disability and Communication Access Board supports House Bill 601 with significant amendments. We have prepared a proposed HD1 for your consideration.

The purpose of this bill is to conform §143-4, Hawaii Revised Statutes (HRS), regarding dog licensing to applicable provisions of the Americans with Disabilities Act; §347-13, HRS to the recently issued Americans with Disabilities Act rules for Titles II and III, effective March 15, 2011 and §515, HRS to the current Fair Housing Act as it relates to the issue of service animals.

Relating to Licensing

We request amendments to Section 2, which provides a mechanism for the designation of service animal status on a dog registration to eliminate such requirement. The Department of Justice does not require service animals, which they limit to the species of dogs, to be certified. Thus, the current provisions in §143-4, HRS relating to the Counties' licensing requirement are confusing and unnecessary.

Our proposed changes (as reflected in the proposed HD1) are as follows:

- Section 2, p. 3, lines 19–21, current language can be deleted.
- Section 2, p. 3 line 22 to p. 4, line 4, new language to be deleted.

The above language is no longer necessary if the Counties do not designate service animal status on the registration.

Relating to Public Places and Public Conveyances

Section 3 of the bill amends §347-13, HRS relating to public places and public conveyances. The proposed language inserts a definition for service dog that is consistent with the Americans with Disabilities Act. It also amends the language to reflect more politically current, people-first language. Also, since the Department of Human Services does not have rules for this section and does not enforce it, developing rules is unnecessary and such language is deleted.

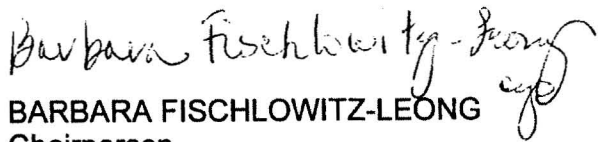
Relating to Housing

Section 4 of the bill amends §515-3, HRS relating to housing and nondiscrimination. Comparable federal law is the Fair Housing Act, rather than the Americans with Disabilities Act. Neither the federal law nor its implementing rules, provide a definition for a service animal or a comfort animal. In fact, the requirement under federal law is to provide a "reasonable accommodation" with no additional specificity other than that developed by case law.

We therefore recommend that the definitions of specific animals be deleted.

Thank you for the opportunity to testify.

Respectfully submitted,



BARBARA FISCHLOWITZ-LEONG
Chairperson
Legislative Committee



FRANCINE WAI
Executive Director