

LATE TESTIMONY

Testimony of Thomas J. Smyth, Secretary
Association of Apartment Owners of Harbor Square

Before the
Committee on Public Safety, Government Operations, and Military Affairs

Tuesday, February 15, 2011, 2:45 p.m. Conference Room 224

On

SB892 Relating to Service Animals

Chair Espero, Vice Chair Kidani and Committee Members:

I support the intent of SB 892 which conforms Hawaii law to federal law in regard to the new ADA rules regarding “service animals” and the FHA rules regarding fair accommodation in housing. However, I believe the bill goes too far in requiring that “comfort animals” be allowed in common areas or even apartments in condominium property regimes.

Our condominium Board of Directors, with the agreement of a majority of owners, has deemed our property not open to pets, other than small birds and fishes. We do, of course, accept residents who are disabled as defined in ADA law and use properly trained and certified “service animals.” Changing the Hawaii ADA law to specifically define “service dogs” as defined in the recently changed Title II, ADA Act of 1990, is necessary and appropriate.

Our primary concern with the other part of this bill is that “comfort animals” which are not well defined or species limited, as in the ADA statute, will allow almost every resident to have such an animal, however untrained or unrestrained.

As introduced, the bill prohibits us from not allowing a “person with a disability” to have such a pet. **In fact, many persons who have “comfort animals” are not disabled, as defined in both federal and state law.** Many are simply elderly, may have mild depression due an event in their life or just like pets. We have no way to determine if they are disabled since we apparently cannot ask if they are. We have no way to determine if the “comfort animal” is of a good disposition, has any training or experience being in such a social environment such as a condominium. Mixing these animals with each other and with “service dogs” will cause much confusion and could even harm the animals or owners.

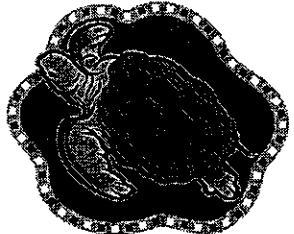
We support the Proposed SD1 drafted by the Disability and Communications Access Board, which appears to address most of our concerns. Please consider using that version of the bill.

Thank you for the opportunity to testify.



Francine Mae Aona Kenyon

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**SENATE COMMITTEE ON PUBLIC SAFETY,
GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS**

**Senator Will Espero, Chair
Senator Michelle Kidani, Vice-Chair**

Tuesday, February 15, 2011 at 2:45 pm in Conference Room 224

SENATE BILL NO. 892, 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 Senate Bill No. 892 to conform with new ADA rules and Fair Housing Act.

Sincerely,

Francine Mae Aona Kenyon
Deaf Advocate

LATE TESTIMONY



Hawaii Fi-Do Service and Therapy Dogs

Accredited ADI Program

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EIN # 99-0353345

February 15, 2011

Senate Committee on Public Safety, Government Operations
and Military Affairs

Senator Willie Espero, Chair

Tuesday, February 15, 2011

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.

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Our Dogs Help!

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 15, 2011 10:29 AM
To: PGM Testimony
Cc: plahne@alf-hawaii.com
Subject: Testimony for SB892 on 2/15/2011 2:45:00 PM

Testimony for PGM 2/15/2011 2:45:00 PM SB892

Conference room: 224

Testifier position: comments only

Testifier will be present: No

Submitted by: Philip L Lahne

Organization: Community Associations Institute - Legislative Action Committee

Address:

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Submitted on: 2/15/2011

Comments:

CAI-LAC is concerned by the inclusion of comfort animals in this bill for two reasons. First, there is a well-developed network of websites that sell "official looking" ID cards and certificates to pet owners who want to bring their pets into no-pets buildings and who self-certify that they are disabled. See, for example, <http://www.nsarco.com/>. This is a disservice to disabled persons who may have an actual need for comfort animals in order to enable them to enjoy a dwelling. Second, multiple bills have been introduced in both the House and Senate concerning comfort animals and there is a risk of enacting conflicting bills. CAI-LAC suggests the formation of a task force or doing an LRB study to allow all stakeholders to have input into this serious and complex issue.