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# 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 purpose of this Act is to make the  
2 reasonable accommodations provisions in state fair housing law  
3 consistent with federal Fair Housing Act case law and  
4 interpretations clarifying that a request for a reasonable  
5 accommodation may include the use of a service animal and by  
6 defining the term "service animal".

7           SECTION 2. Section 515-3, Hawaii Revised Statutes, is  
8 amended to read as follow:

9           "§515-3 Discriminatory practices. (a) It is a  
10 discriminatory practice for an owner or any other person  
11 engaging in a real estate transaction, or for a real estate  
12 broker or salesperson, because of race, sex, including gender  
13 identity or expression, sexual orientation, color, religion,  
14 marital status, familial status, ancestry, disability, age, or  
15 human immunodeficiency virus infection:

16           (1) To refuse to engage in a real estate transaction with  
17           a person;



- 1 (2) To discriminate against a person in the terms,  
2 conditions, or privileges of a real estate transaction  
3 or in the furnishing of facilities or services in  
4 connection [~~therewith,~~] with a real estate  
5 transaction;
- 6 (3) To refuse to receive or to fail to transmit a bona  
7 fide offer to engage in a real estate transaction from  
8 a person;
- 9 (4) To refuse to negotiate for a real estate transaction  
10 with a person;
- 11 (5) To represent to a person that real property is not  
12 available for inspection, sale, rental, or lease when  
13 in fact it is available, or to fail to bring a  
14 property listing to the person's attention, or to  
15 refuse to permit the person to inspect real property,  
16 or to steer a person seeking to engage in a real  
17 estate transaction;
- 18 (6) To print, circulate, post, or mail, or cause to be  
19 published a statement, advertisement, or sign, [~~e~~] to  
20 use a form of application for a real estate  
21 transaction, or to make a record or inquiry in  
22 connection with a prospective real estate transaction,



1 that indicates, directly or indirectly, an intent to  
2 make a limitation, specification, or discrimination  
3 with respect [~~thereto,~~] to a real estate transaction;

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

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

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

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

20 "Guide dog" means any dog individually trained by  
21 a licensed guide dog trainer for guiding a blind



1 ~~person by means of a harness attached to the dog and a~~  
2 ~~rigid handle grasped by the person;~~

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

14 ~~(A) Observe applicable laws including leash laws and~~  
15 ~~pick-up laws;~~

16 ~~(B) Assume responsibility for damage caused by the~~  
17 ~~dog; or~~

18 ~~(C) Have the housing unit cleaned upon vacating by~~  
19 ~~fumigation, deodorizing, professional carpet~~  
20 ~~cleaning, or other method appropriate under the~~  
21 ~~circumstances.~~



1           ~~The foregoing list is illustrative only, and neither~~  
2           ~~exhaustive nor mandatory;~~

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

6                   ~~"Signal dog" means any dog that is trained to~~  
7           ~~alert a deaf person to intruders or sounds;~~

8           ~~(9)]~~ (8) To solicit or require as a condition of engaging  
9           in a real estate transaction that the buyer, renter,  
10          or lessee be tested for human immunodeficiency virus  
11          infection, the causative agent of acquired  
12          immunodeficiency syndrome;

13          ~~[(10)]~~ (9) To refuse to permit, at the expense of a person  
14          with a disability, reasonable modifications to  
15          existing premises occupied or to be occupied by the  
16          person if modifications may be necessary to afford the  
17          person full enjoyment of the premises ~~[.—A]~~ ; provided  
18          that a real estate broker or salesperson, where it is  
19          reasonable to do so, may condition permission for a  
20          modification on the person agreeing to restore the  
21          interior of the premises to the condition that existed



1 before the modification, reasonable wear and tear  
2 excepted;  
3 ~~(11)~~ (10) To refuse to make reasonable accommodations,  
4 including the use of a service animal, in rules,  
5 policies, practices, or services, when the  
6 accommodations may be necessary to afford a person  
7 with a disability equal opportunity to use and enjoy a  
8 housing accommodation; provided that when making a  
9 reasonable accommodation for the use of a service  
10 animal, reasonable restrictions may be imposed  
11 regarding excessive noise or other problems caused by  
12 the animals;

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

18 (A) The housing accommodations have at least one  
19 accessible entrance, unless it is impractical to  
20 do so because of the terrain or unusual  
21 characteristics of the site; and



- 1 (B) With respect to housing accommodations with an
- 2 accessible building entrance:
- 3 (i) The public use and common use portions of
- 4 the housing accommodations are accessible to
- 5 and usable by ~~[disabled]~~ persons ~~[+]~~ with
- 6 disabilities;
- 7 (ii) Doors allow passage by persons in
- 8 wheelchairs; and
- 9 (iii) All premises within covered multifamily
- 10 housing accommodations contain an accessible
- 11 route into and through the housing
- 12 accommodations; light switches, electrical
- 13 outlets, thermostats, and other
- 14 environmental controls are in accessible
- 15 locations; reinforcements in the bathroom
- 16 walls allow installation of grab bars; and
- 17 kitchens and bathrooms are accessible by
- 18 wheelchair; or
- 19 ~~[(13)]~~ (12) To discriminate against or deny a person access
- 20 to, or membership or participation in any multiple
- 21 listing service, real estate broker's organization, or
- 22 other service, organization, or facility involved



1           either directly or indirectly in real estate  
2           transactions, or to discriminate against any person in  
3           the terms or conditions of [~~such~~] access, membership,  
4           or participation.

5           (b) For purposes of this section, any restriction that  
6           allows any owner or person to refuse to negotiate or engage in a  
7           real estate transaction or to deny equal opportunity to use and  
8           enjoy a housing accommodation due to a disability because the  
9           person uses a service animal shall not be a reasonable  
10          restriction. The reasonableness of a restriction shall be  
11          examined by giving due consideration to the needs of a  
12          reasonably prudent person in the same or similar circumstances.  
13          Depending on the circumstances, a reasonable restriction may  
14          require the owner of a service animal to:

- 15           (1) Observe applicable laws including leash laws and pick-  
16           up laws;  
17           (2) Assume responsibility for damage caused by the service  
18           animal; or  
19           (3) Have the housing unit cleaned upon vacating by  
20           fumigation, deodorizing, professional carpet cleaning,  
21           or other method appropriate under the circumstances;





1 provided that the items listed in paragraphs (1) through (3) are  
2 illustrative only, and neither exhaustive nor mandatory.

3 (c) For the purposes of this section:

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

7 SECTION 3. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2050.

10



**Report Title:**

Fair Housing; Reasonable Accommodations

**Description:**

Specifies that reasonable accommodation in housing for persons with a disability includes accommodation of a service animal in accordance with federal law. Effective 7/1/2050. (SD1)

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

