

Before the
Committee on Housing

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

On
HB601 Relating to Service Animals

Chair Cabanilla, Vice Chair Chong and Committee Members:

I support the intent of HB 601 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 as a condominium or gets along well with other animals. Mixing these animals with each other and with “service dogs” will cause much confusion and could even harm the animals or owners. The “comfort animal” could even attack the “service animal” and endanger the disabled dog owner.

The provisions of HB 601 relating to “comfort animals” should be removed.

Thank you for the opportunity to testify.

HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

LATE TESTIMONY

CHAIR AND COMMITTEE MEMBERS OF THE HOUSE COMMITTEE ON HOUSING

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Rep. Pono Chong, Vice Chair

Bill No. HB 601

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NOTICE OF HEARING

DATE: Wednesday, February 16, 2011

TIME: 8:30 a.m.

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

Introduction

I, Shirley Watanabe, strongly support adding a definition of "service dog" in provisions relating to dog licensing, to conform with new ADA rules; 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.

Therapy dogs under the category comfort animals are trained to provide affection and comfort to people in hospitals, retirement homes, nursing homes, schools, people with learning difficulties, and stressful situations, such as disaster areas. The owners of these therapy dogs benefit from decreasing depression, lowering blood pressure, and reducing the risk of heart attack and stroke. Therapy dogs also have the ability to improve the owner's wheelchair maneuverability skills and fine motor skills as well as help strengthen balance. In addition to helping alleviate depression, therapy dogs help to reduce anxiety and loneliness, increase attention and interaction, and develop an interest in group recreation. Therapy dogs may also help children with developmental disabilities increase vocabulary, and learn more about concepts like size and color. A great example is Kapiolani Hospital who has allowed a therapy dog named Tucker work with young cancer patients.

In closing, comfort and service dogs have the ability to aid those who meet The Fair Housing Amendments Act of 1988, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act protect the right of people with disabilities to keep emotional support animals, even when a landlord's policy explicitly prohibits pets. Because emotional

support and service animals are not "pets," but rather are considered to be more like assistive aids such as wheelchairs, the law would place the responsibility onto the landlords to make exceptions to its "no pet" policy so that tenants with a disability can fully use and enjoy their dwelling. Thus, when the tenant provides a letter or prescription from an appropriate professional, such as a therapist or physician, and meets the definition of a person with a disability, he or she is entitled to be given a reasonable accommodation that would allow an emotional support animal in the dwelling.

Thank you for the opportunity to testify on this bill.

Shirley Watanabe
721-3452

LATE TESTIMONY

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

LATE TESTIMONY

February 15, 2011

Re: Support for HB 601 Relating to Service Animals

Dear Chair Cabanilla and members of the Committee on Housing,

My name is Vickie Kennedy and I use a service dog. I support HB 601 to make State laws conform to federal law regarding service animals.

I have been totally blind for almost 11 years now, after gradually losing my sight over the previous 23 years due to retinitis pigmentosa (tunnel vision). I have been a guide dog user for 11 years now. My current guide dog, "Angela" is like an extension of me. Everywhere I go, she goes. Most of the time we are warmly accepted into the businesses and offices we visit. But sometimes there is some confusion about what animals are to be allowed in and which should not. Some people feel there is too much abuse of the "rights" to have a service animal by those who portray their pets as service animals. This is understandable, but really is unfair to those of us who really rely upon them for safety in mobility.

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

Thank you for the opportunity to testify.

Sincerely,

Vickie Kennedy
Service Animal Handler

Late -
Revised

Francine Mae Aona Kenyon

Dbā Kuli Ike Kokua

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HOUSE COMMITTEE ON HOUSING

Representative Rida T. R. Cabanilla, Chair

Representative Pono Chong, Vice-Chair

Wednesday, February 16, 2011 at 8:30 a.m. 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 with disabilities including 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 House Bill No. 601 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 noon-discrimination in the sale or rental of housing because I love dogs and cats but don't have a dog in my house. I used to have a family dog in Maryland where I lived for 19 years before moving back to Hawaii.

Sparky (that was his name) trained from the very beginning as a pup to a full-grown dog to alerting me at the door and protecting me from anyone touching me. He went to the door, smelled, looked up at me, and wagged his tail. There was a deaf person at the front door. But when there was a hearing person at the door, he barked fiercely to alerting me to the door and then walked away quietly when I answered the door. Gee, I did not train him but he trained himself because he knew I am deaf when he saw us signing every day. He always looked up at me, trying to tell me something but whatever I asked him, he wagged his tail, meaning "Yes." Well, when I moved out to my apartment alone, Sparky wanted to move in with me but I told him that I cannot take him with me to my apartment because of the rules about the pets. Of course, he whimpered and cried!

After reading the proposed draft submitted in yesterday's hearing by Disability and Communication Access Board, I agreed with their proposed draft. My question is "Would it be more consistent if we could replace the wording, *"Persons who are blind, deaf, visually impaired, disabled (Section 347-13, Lines 2, 4, 5, & 15 on Page 3) and "physically disabled" person (Section 347-13, Lines 4 to 9 on page 4) with "PERSONS WITH DISABILITIES"?*

I have a great confidence in you for making the wise decision-making. I recommend you pass House Bill No. 601 with the amendments proposed by Disability and Communications Access Board.

Mahalo.

Sincerely,

Francine Mae Aona Kenyon
Deaf Advocate & Dog Lover