



HAWAI‘I CIVIL RIGHTS COMMISSION

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

LATE

March 18, 2013
Rm. 325, 2:30 p.m.

To: The Honorable Angus McKelvey, Chair
Members of the House Committee on Consumer Protection & Commerce

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 328, S.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s 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. Art. I, Sec. 5.

S.B. No. 328, S.D.1, amends the landlord-tenant code to specifically allow a landlord to require a security deposit to pay for damages caused by an animal allowed to reside in a rental unit as a condition of a rental agreement.

The HCRC does not oppose S.B. No. 328, S.D.1, because it clarifies that a landlord may not require a security deposit for an assistance animal that is a reasonable accommodation for a tenant with a disability under HRS § 515-3(9).

Both federal and state fair housing laws require landlords and other housing providers provide reasonable accommodations in rules, policies, practices, or services when such accommodations are necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. Under both state and federal fair housing laws, a reasonable accommodation for a person with a disability can include the use of an assistance animal.

Pursuant to HUD's Handbook regarding subsidized multifamily housing programs and HCRC policy, a landlord may not require an applicant or tenant to pay a fee or a security deposit as a condition of allowing the applicant or tenant to keep the assistance animal. (See attached HUD Handbook 4350.3 § 2-44(E) and HCRC information sheet.) This is because the use of an assistance animal is a reasonable accommodation for a person with a disability; these assistance animals are not "pets."

Thank you for your consideration of these comments.

kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 17, 2013 6:33 PM
To: CPCtestimony
Cc: Ahimsam9@gmail.com
Subject: Submitted testimony for SB328 on Mar 18, 2013 14:30PM



SB328

Submitted on: 3/17/2013

Testimony for CPC on Mar 18, 2013 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Markl	Individual	Comments Only	No

Comments: Hello: This bill is way overdue especially in a state that advertises itself to the world as an aloha and nature state. It has been shocking that there has not been a state law on this long ago. It's been really rare to find places that allowed one to have their pet. It caused tragedy that in order to have a roof over their head many people felt they had to give up their beloved pet which was often more family to them than their family. This resulted in the tragedy of permanent separation, trauma if just released to fend for themselves which many do not know how to do and can be devastating or unnecessary death to a healthy animal because of overpopulation. Please stop this terrible reality now and please do all you can to pass this and encourage colleagues in any future committee to make sure this becomes law now to end this unnecessary tragedy. This bill is really a win win situation. The landlord gets a deposit just in case and the caregiver has a nurturing companion gives nurture and saves a life. Please help now. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 17, 2013 6:51 PM
To: CPCtestimony
Cc: khenng@gmail.com
Subject: *Submitted testimony for SB328 on Mar 18, 2013 14:30PM*



SB328

Submitted on: 3/17/2013

Testimony for CPC on Mar 18, 2013 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
khenn	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 17, 2013 11:01 PM
To: CPCtestimony
Cc: yoselyn7034@aol.com
Subject: *Submitted testimony for SB328 on Mar 18, 2013 14:30PM*



SB328

Submitted on: 3/17/2013

Testimony for CPC on Mar 18, 2013 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ramona Ferreyra	Individual	Support	No

Comments:

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To: CPCtestimony
Cc: clee808@yahoo.com
Subject: *Submitted testimony for SB328 on Mar 18, 2013 14:30PM*



SB328

Submitted on: 3/17/2013

Testimony for CPC on Mar 18, 2013 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
carol lee	Individual	Support	No

Comments:

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 18, 2013 7:54 AM
To: CPCtestimony
Cc: ckono_96814@yahoo.com
Subject: *Submitted testimony for SB328 on Mar 18, 2013 14:30PM*



SB328

Submitted on: 3/18/2013

Testimony for CPC on Mar 18, 2013 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
carol nishiyamacc	Individual	Support	No

Comments:

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