

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO ANIMALS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that laws protecting  
2 persons with disabilities, including laws concerning reasonable  
3 accommodations in housing, foster public health.

4           The legislature has received reports indicating that  
5 individuals without any disabilities have been requesting  
6 reasonable accommodations for the purpose of overcoming housing  
7 restrictions on pets. Moreover, it has come to the  
8 legislature's attention that certain professionals have  
9 facilitated such requests by issuing documents that allegedly  
10 support the need for reasonable accommodations that include  
11 pets. Documentation and credentials that support false requests  
12 for reasonable housing accommodations are also available on the  
13 Internet.

14           The purpose of this Act is to further protect the rights of  
15 persons with disabilities to reasonable accommodations in  
16 housing by establishing a criminal misdemeanor for persons who  
17 knowingly make false claims of entitlement to reasonable



1 accommodations involving an animal. This Act is not intended to  
 2 require or permit any action that would constitute a  
 3 discriminatory housing practice. The legislature notes that  
 4 title 42 United States Code section 3615 explicitly authorizes  
 5 state laws that guarantee or protect the rights of persons with  
 6 disabilities.

7 SECTION 2. Chapter 711, Hawaii Revised Statutes, is  
 8 amended by adding a new section to be appropriately designated  
 9 and to read as follows:

10 **"§711- False presentation of an animal as a necessary**  
 11 **reasonable accommodation.** (1) A person commits the offense of  
 12 false presentation of an animal as a necessary reasonable  
 13 accommodation if the person:

14 (a) Knowingly makes a request pursuant to chapter 515 for  
 15 reasonable accommodations that include the use of an  
 16 animal; and

17 (b) The requested accommodation would not be necessary to  
 18 afford a person with a disability equal opportunity to  
 19 use or enjoy a housing accommodation.

20 (2) For the purposes of this section, "knowingly makes a  
 21 request" means the person has actual knowledge or should



1 reasonably know that any affirmative representation made by the  
 2 person, to another person who is obligated to make reasonable  
 3 accommodations in rules, policies, practices, or services  
 4 pursuant to section 515-3, lacks a substantial basis in fact.


5 (3) Violation of this section shall be a misdemeanor."

6 SECTION 3. This Act does not affect rights and duties that  
 7 matured, penalties that were incurred, and proceedings that were  
 8 begun before its effective date.

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: ~~SEN~~ A.C. Rich-Agura  




# S.B. NO. 644

**Report Title:**

Penal Code; False Presentation of an Animal as a Necessary Reasonable Accommodation; Housing

**Description:**

Establishes the offense of false presentation of an animal as a necessary reasonable accommodation. Makes it a misdemeanor for a person to knowingly make a request pursuant to chapter 515, HRS, for reasonable accommodations that include the use of an animal if the requested accommodation is not necessary to afford a person with a disability equal opportunity to use or enjoy a housing accommodation.

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

