

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO ASSISTANCE ANIMALS.

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

1           SECTION 1. The legislature finds that recent legislation  
2 prohibits the misrepresentation of animals as service animals.  
3 Act 217, Session Laws of 2018 (Act 217), amends the definition  
4 of "service animal" to mean "any dog that is individually  
5 trained to do work or perform tasks for the benefit of an  
6 individual with a disability, including a physical, sensory,  
7 psychiatric, intellectual, or other mental disability" and  
8 requires that the work or tasks performed by the service animal  
9 relate directly to the individual's disability. Act 217 also  
10 excludes other species of animals and the provision of emotional  
11 support, comfort, or companionship.

12           The legislature further finds that the term "service  
13 animal" applies in the general Americans with Disabilities Act  
14 context, while the broader term "assistance animal", which is  
15 used under the federal and state fair housing laws, includes a  
16 wider category of animals who provide support, including  
17 emotional support animals and service animals. When a person



1 with a disability requests the use of an assistance animal as a  
2 reasonable housing accommodation, the housing provider may ask  
3 for information, including verification from a treating health  
4 care professional, that the person has a disability and the  
5 requested assistance animal is needed to alleviate one or more  
6 symptoms of the person's disability. "Assistance animal" is  
7 defined in the State's administrative rules, but not in statute.  
8 Some housing providers are concerned that verification in  
9 support of the use of an assistance animal may be provided by an  
10 out-of-state health care provider who may not have treated the  
11 individual making the request.

12 To assist individuals requiring assistance animals and  
13 housing providers requested to make reasonable accommodations  
14 for assistance animals, the purpose of this Act is to codify the  
15 administrative definition of "assistance animal" and clarify the  
16 type of verification that may be provided by the individual to  
17 establish the need for an assistance animal.

18 SECTION 2. Section 515-2, Hawaii Revised Statutes, is  
19 amended by adding a new definition to be appropriately inserted  
20 and to read as follows:



1       "Assistance animal" means an animal that is needed to  
2 perform disability-related work, services or tasks, for the  
3 benefit of a person with a disability, or is needed to provide  
4 emotional support that alleviates one or more identified  
5 symptoms or effects of a person's disability. Assistance  
6 animals may include but are not limited to service animals,  
7 therapy animals, comfort animals, or emotional support animals.  
8 Assistance animals may have formal training or may be untrained,  
9 and may include species other than dogs."

10       SECTION 3. Section 515-3, Hawaii Revised Statutes, is  
11 amended to read as follows:

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

19       (1) To refuse to engage in a real estate transaction with  
20       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 with a real estate transaction;
- 5           (3) To refuse to receive or to fail to transmit a bona  
6                   fide offer to engage in a real estate transaction from  
7                   a person;
- 8           (4) To refuse to negotiate for a real estate transaction  
9                   with a person;
- 10          (5) To represent to a person that real property is not  
11               available for inspection, sale, rental, or lease when  
12               in fact it is available, or to fail to bring a  
13               property listing to the person's attention, or to  
14               refuse to permit the person to inspect real property,  
15               or to steer a person seeking to engage in a real  
16               estate transaction;
- 17          (6) To offer, solicit, accept, use, or retain a listing of  
18               real property with the understanding that a person may  
19               be discriminated against in a real estate transaction  
20               or in the furnishing of facilities or services in  
21               connection with a real estate transaction;



1       [+] (7) [+] To solicit or require as a condition of engaging in a  
2               real estate transaction that the buyer, renter, or  
3               lessee be tested for human immunodeficiency virus  
4               infection, the causative agent of acquired  
5               immunodeficiency syndrome;

6       [+] (8) [+] To refuse to permit, at the expense of a person with a  
7               disability, reasonable modifications to existing  
8               premises occupied or to be occupied by the person if  
9               modifications may be necessary to afford the person  
10              full enjoyment of the premises; provided that a real  
11              estate broker or salesperson, where it is reasonable  
12              to do so, may condition permission for a modification  
13              on the person agreeing to restore the interior of the  
14              premises to the condition that existed before the  
15              modification, reasonable wear and tear excepted;

16       [+] (9) [+] To refuse to make reasonable accommodations in rules,  
17              policies, practices, or services, when the  
18              accommodations may be necessary to afford a person  
19              with a disability equal opportunity to use and enjoy a  
20              housing accommodation; provided that if reasonable  
21              accommodations include the use of an assistance



1 animal, reasonable restrictions may be imposed;  
2 provided further that any verification provided by a  
3 person with a disability to establish the disability-  
4 related need for an assistance animal as a reasonable  
5 accommodation shall have been issued in writing by a  
6 health care professional, mental health professional,  
7 social worker, or rehabilitation counselor who has  
8 personally evaluated the person;

9 [+] (10) [+] In connection with the design and construction of  
10 covered multifamily housing accommodations for first  
11 occupancy after March 13, 1991, to fail to design and  
12 construct housing accommodations in such a manner  
13 that:

14 (A) The housing accommodations have at least one  
15 accessible entrance, unless it is impractical to  
16 do so because of the terrain or unusual  
17 characteristics of the site; and

18 (B) With respect to housing accommodations with an  
19 accessible building entrance:



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



1           to discriminate against any person in the terms or  
2           conditions of access, membership, or participation."

3           SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:           *Karl Rhoads*            
*Breene Hunt*





# S.B. NO. 334

**Report Title:**

Deaf and Blind Task Force; Assistance Animals; Reasonable Accommodation Verification

**Description:**

Codifies the administrative rule definition of "assistance animal". Clarifies the type of verification of a reasonable accommodation request for an assistance animal that the individual may provide.

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

