
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 Hawaii 2018 (Act 217), amends the
4 definition of "service animal" to mean "any dog that is
5 individually trained to do work or perform tasks for the benefit
6 of an individual with a disability, including a physical,
7 sensory, psychiatric, intellectual, or other mental disability"
8 and requires that the work or tasks performed by the service
9 animal relate directly to the individual's disability. Act 217
10 also excludes other species of animals and the provision of
11 emotional 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 To assist individuals requiring assistance animals and
 9 housing providers requested to make reasonable accommodations
 10 for assistance animals, the purpose of this Act is to:

- 11 (1) Codify the administrative definition of "assistance
 12 animal";
- 13 (2) Clarify the type of verification that may be provided
 14 by the individual to establish the need for an
 15 assistance animal; and
- 16 (3) Specify that possession of a vest or other
 17 distinguishing animal garment, tag, or registration
 18 document commonly purchased online and purporting to
 19 identify an animal as a service animal or assistance
 20 animal does not constitute valid verification of a
 21 disability-related need for an assistance animal.



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

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

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

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



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



1 or in the furnishing of facilities or services in
2 connection with a real estate transaction;

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

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

18 ~~[(9)]~~ ~~[(9)]~~ To refuse to make reasonable accommodations in rules,
19 policies, practices, or services, when the
20 accommodations may be necessary to afford a person
21 with a disability equal opportunity to use and enjoy a



1 housing accommodation; provided that if reasonable
2 accommodations include the use of an assistance
3 animal, reasonable restrictions may be imposed;
4 provided further that:

5 (A) A housing provider may request verification to be
6 provided by a person with a disability to
7 establish the disability-related need for an
8 assistance animal as a reasonable accommodation,
9 issued in writing by a health care professional,
10 mental health professional, social worker, or
11 rehabilitation counselor; and

12 (B) The possession of a vest or other distinguishing
13 animal garment, tag, or registration document
14 commonly purchased online and purporting to
15 identify an animal as a service animal or
16 assistance animal does not constitute valid
17 verification;

18 [+](10)[+] In connection with the design and construction of
19 covered multifamily housing accommodations for first
20 occupancy after March 13, 1991, to fail to design and



1 construct housing accommodations in such a manner
2 that:
3 (A) The housing accommodations have at least one
4 accessible entrance, unless it is impractical to
5 do so because of the terrain or unusual
6 characteristics of the site; and
7 (B) With respect to housing accommodations with an
8 accessible building entrance:
9 (i) The public use and common use portions of
10 the housing accommodations are accessible to
11 and usable by persons with disabilities;
12 (ii) Doors allow passage by persons in
13 wheelchairs; and
14 (iii) All premises within covered multifamily
15 housing accommodations contain an accessible
16 route into and through the housing
17 accommodations; light switches, electrical
18 outlets, thermostats, and other
19 environmental controls are in accessible
20 locations; reinforcements in the bathroom
21 walls allow installation of grab bars; and



1 kitchens and bathrooms are accessible by
2 wheelchair; or
3 [+] (11) [+] To discriminate against or deny a person access to, or
4 membership or participation in any multiple listing
5 service, real estate broker's organization, or other
6 service, organization, or facility involved either
7 directly or indirectly in real estate transactions, or
8 to discriminate against any person in the terms or
9 conditions of access, membership, or participation."

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

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

13



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 an individual may provide to substantiate a reasonable accommodation request for an assistance animal. Specifies that possession of a vest or other distinguishing animal garment, tag, or registration document commonly purchased online and purporting to identify an animal as a service animal or assistance animal does not constitute valid verification of a disability-related need for an assistance animal. (SD1)

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

