
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 the State's fair
2 housing laws should be clarified to distinguish between an
3 "assistance animal" and a "service animal". Section 347-2.5,
4 Hawaii Revised Statutes, defines a "service animal" for the
5 purposes of state applications of the Americans with Disability
6 Act. The definition limits "service animals" to trained dogs
7 that provide services or help persons with disabilities perform
8 tasks. The definition of "service animal" excludes species
9 other than dogs and excludes animals that provide emotional
10 assistance to persons with disabilities. The legislature
11 believes that the State's fair housing laws should allow for a
12 broader accommodation of "assistance animals" including trained
13 or untrained animals that help alleviate a disability by
14 providing emotional support.

15 The legislature also finds that the State's fair housing
16 laws should be clearer on the documentation needed to request an
17 assistance animal as a reasonable housing accommodation.



1 Although landlords may ask for verification from a health care
2 provider that the person has a disability-related need for an
3 assistance animal as a reasonable accommodation, some landlords
4 are concerned that verification could be provided by an
5 out-of-state health care provider who has not personally treated
6 the person.

7 Accordingly, the purpose of this Act is to define
8 "assistance animal" for purposes of the State's fair housing
9 laws and to clarify the type of verification a person with a
10 disability must provide to request an assistance animal as a
11 reasonable housing accommodation.

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

15 "Assistance animal" means an animal that is needed for the
16 benefit of a person with a disability to perform disability-
17 related work, services, or tasks, or to provide emotional
18 support that alleviates one or more identified symptoms or
19 effects of a person's disability. Assistance animals may
20 include service animals, therapy animals, comfort animals, or
21 emotional support animals. Assistance animals may have formal



training or may be untrained and may include species other than dogs."

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

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

(1) To refuse to engage in a real estate transaction with a person;

(2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection with a real estate transaction;

(3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;



- 1 (4) To refuse to negotiate for a real estate transaction
- 2 with a person;
- 3 (5) To represent to a person that real property is not
- 4 available for inspection, sale, rental, or lease when
- 5 in fact it is available, or to fail to bring a
- 6 property listing to the person's attention, or to
- 7 refuse to permit the person to inspect real property,
- 8 or to steer a person seeking to engage in a real
- 9 estate transaction;
- 10 (6) To offer, solicit, accept, use, or retain a listing of
- 11 real property with the understanding that a person may
- 12 be discriminated against in a real estate transaction
- 13 or in the furnishing of facilities or services in
- 14 connection with a real estate transaction;
- 15 [+] (7) [+] To solicit or require as a condition of engaging in a
- 16 real estate transaction that the buyer, renter, or
- 17 lessee be tested for human immunodeficiency virus
- 18 infection, the causative agent of acquired
- 19 immunodeficiency syndrome;
- 20 [+] (8) [+] To refuse to permit, at the expense of a person with
- 21 a disability, reasonable modifications to existing



1 premises occupied or to be occupied by the person if
2 modifications may be necessary to afford the person
3 full enjoyment of the premises; provided that a real
4 estate broker or salesperson, where it is reasonable
5 to do so, may condition permission for a modification
6 on the person agreeing to restore the interior of the
7 premises to the condition that existed before the
8 modification, reasonable wear and tear excepted;

9 [†](9)[†] To refuse to make reasonable accommodations in rules,
10 policies, practices, or services, when the
11 accommodations may be necessary to afford a person
12 with a disability equal opportunity to use and enjoy a
13 housing accommodation; provided that if reasonable
14 accommodations include the use of an assistance
15 animal, reasonable restrictions may be imposed;
16 provided further that any verification provided by a
17 person with a disability to establish the
18 disability-related need for an assistance animal as a
19 reasonable accommodation shall have been issued in
20 writing by a health care professional, mental health



1 professional, social worker, or rehabilitation
2 counselor who has personally evaluated the person;

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

8 (A) The housing accommodations have at least one
9 accessible entrance, unless it is impractical to
10 do so because of the terrain or unusual
11 characteristics of the site; and

12 (B) With respect to housing accommodations with an
13 accessible building entrance:

14 (i) The public use and common use portions of
15 the housing accommodations are accessible to
16 and usable by persons with disabilities;

17 (ii) Doors allow passage by persons in
18 wheelchairs; and

19 (iii) All premises within covered multifamily
20 housing accommodations contain an accessible
21 route into and through the housing



1 accommodations; light switches, electrical
2 outlets, thermostats, and other
3 environmental controls are in accessible
4 locations; reinforcements in the bathroom
5 walls allow installation of grab bars; and
6 kitchens and bathrooms are accessible by
7 wheelchair; or

8 [†](11)[†] To discriminate against or deny a person access to,
9 or membership or participation in any multiple listing
10 service, real estate broker's organization, or other
11 service, organization, or facility involved either
12 directly or indirectly in real estate transactions, or
13 to discriminate against any person in the terms or
14 conditions of access, membership, or participation."

15 SECTION 4. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

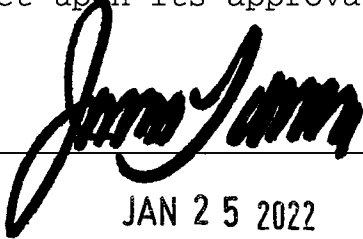
18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: _____


JAN 25 2022



H.B. NO. 2271

Report Title:

Assistance Animal; Fair Housing; Reasonable Accommodation;
Definition

Description:

Defines "assistance animal" for purposes of the State's fair housing laws. Clarifies the type of verification a person with a disability must provide to request an assistance animal as a reasonable 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.

