

STAND. COM. REP. NO. 1221

Honolulu, Hawaii

MAR 25 2021

RE: H.B. No. 381
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 381, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FAIR HOUSING REASONABLE ACCOMMODATIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Codify the administrative rule definition of "assistance animal";
- (2) Clarify the type of verification an individual may provide to substantiate a reasonable accommodation request for a specific assistance animal; and
- (3) Specify that possession of an item or registration documents that are commonly purchased online to identify an animal as a service animal do not constitute valid verification of a disability-related need for an assistance animal.

Your Committee received testimony in support of this measure from the Hawaii Civil Rights Commission, Associa Hawaii, Community Associations Institute, Hawaii Association of REALTORS, and one



individual. Your Committee received comments on this measure from the Disability and Communication Access Board.

Your Committee finds that under the federal and state fair housing laws, landlords may allow "assistance animals" in rental properties that otherwise do not allow pets. For landlords seeking to follow the fair housing laws, this can create problems discerning between a legitimate request from a person with a disability and those from persons who simply wish to keep a pet in their rental unit. This measure provides clarification on what information a landlord might reasonably request from an individual to verify the need for an assistance animal.

Your Committee also finds that there is no national registry or certification for assistance animals. In the absence of such a system, some pet owners use items or registration documents that are commonly purchased online purporting to identify an animal as a service or assistance animal. This measure clarifies that such items and documents, by themselves, do not establish an animal as a service or assistance animal.

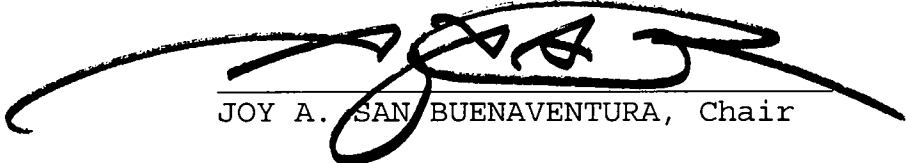
Your Committee has amended this measure by:

- (1) Changing its effective date to November 1, 2021;
- (2) Adding clarification for instances in which the disability-related need is not readily apparent; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 381, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 381, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Human Services,

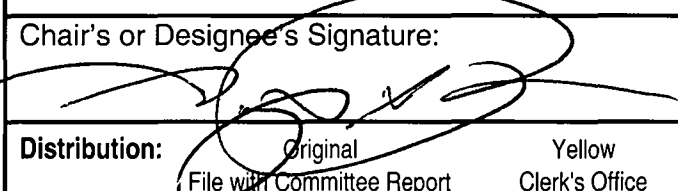


JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 381 HD2	HMS, JDC	03/23/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	/			
IHARA, Jr., Les (VC)	/			
ACASIO, Laura	/			
MISALUCHA, Bennette E.	/			
FEVELLA, Kurt				/
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-size: 2em; margin-top: 10px;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes