

Honolulu, Hawaii

FEB 15 2022

RE: S.B. No. 2002
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2002 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 definition of "assistance animal";
- (2) Clarify the type of verification that may be provided by the individual to establish the need for an assistance animal; and
- (3) Specify 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.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawai'i Association of REALTORS®, and Community Associations Institute Legislative Action Committee.



Your Committee finds that the term "service animal" applies in the general context of the federal Americans with Disabilities Act, while the broader term "assistance animal", which is used under the federal and state fair housing laws, includes a wider spectrum of animals that provide support, including emotional support animals and service animals. This measure defines "assistance animals" and clarifies the type of verification that may be provided to establish the need for the assistance animal. Your Committee finds that this measure is necessary to improve processes for an individual with a disability to request a reasonable accommodation for an assistance animal and for landlords who receive these requests.

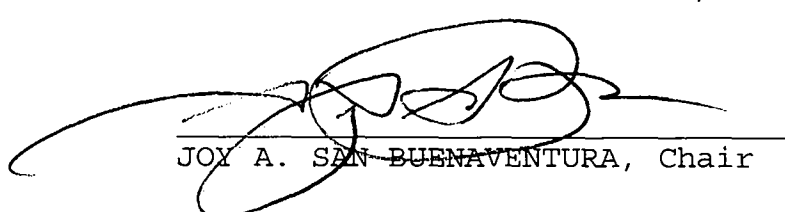
Your Committee notes the testimony from the Hawaii Civil Rights Commission raising concerns that the verification process in this measure substantively differs from the process set forth in the rules adopted by the commission, which reflect the provisions in the federal Fair Housing Act.

Accordingly, your Committee has amended this measure by:

- (1) Amending section 3 to reflect the verification process and requirements set forth in the rules adopted by the Hawaii Civil Rights Commission; and
- (2) Making technical, nonsubstantive amendments 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 S.B. No. 2002, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2002, 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.:* SB 2002	Committee Referral: HMS, JDC	Date: 02/01/2022		
<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	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes