



HAWAI‘I CIVIL RIGHTS COMMISSION

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Tuesday, March 29, 2022
Via Videoconference, 2:00 P.m.
Room 325

To: The Honorable Mark M. Nakashima, Chair
The Honorable Scot Z. Matayoshi, Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 2002, S.D.2, H.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The HCRC supports S.B. No. 2002, S.D.2, H.D.1, which codifies the administrative rule definition of “assistance animal,” in the context of Hawaii law prohibiting discrimination in real property transactions., and clarifies the type of verification an individual may provide to substantiate a reasonable accommodation request for an assistance animal when the need is not readily apparent. The measure also 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.

The Hawaii Administrative Rules (HAR) have the full force and effect of law, so a codification of one of the definitions within HAR § 12-46-302 is not necessary. *State v. Kimball*, 54 Haw. 83 at 89 (1972). However, the HCRC does not object to the codification of the rule definition, which is substantially equivalent to the standard under the federal Fair Housing Act.

S.B. No. 2002, S.D.2, H.D.1, also allows a person engaging in the real estate transaction to request that a person claiming a disability provide verification to establish the disability-related need for a specific assistance animal as a reasonable accommodation, and lists who may provide such verification. The statutory language in the S.D.2, amending HRS § 515-3, tracks the language in the HCRC rule, HAR § 12-46-306(a)(1), which reflects current state and federal fair housing law standards. As with the rule definition of “assistance animal” discussed above, HAR § 12—46-306(a)(1) has the full force and effect of law, and codification of the rule in statute is not necessary. Again, the HCRC does not object to the codification of the rule regarding verification.

There has been much discussion over the past several legislative sessions about the issuance of dog vests and registration documents for a fee or purchase online, in the absence of a national registry or certification for assistance animals. S.B. No. 2002, S.D.2, H.D.1, expressly clarifies that possession of a dog vest or registration documents that are commonly purchased online and purporting to identify an animal as a service animal or assistance animal will not constitute valid verification. The HCRC supports such clarification.

The HCRC supports S.B. No. 2002, S.D.2, H.D.1.



DISABILITY AND COMMUNICATION ACCESS BOARD

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March 29, 2022

TESTIMONY TO THE HOUSE COMMITTEES ON JUDICIARY AND HAWAIIAN AFFAIRS

Senate Bill 2002, Senate Draft 2, House Draft 1 –
Relating to Fair Housing Reasonable Accommodations

The Disability and Communication Access Board (DCAB) supports Senate Bill 2002, Senate Draft 2, House Draft 1 Relating to Fair Housing Reasonable Accommodations. This bill defines "assistance animal" in the context of Hawaii law and codifies the administrative process in verifying that a person requesting a reasonable accommodation that includes the use of an assistance animal has a disability and the assistance animal is needed to alleviate one or more symptoms of the person's disability.

An assistance animal is not a pet. DCAB supports the amendments in Section 3 of this bill to comply with state and federal laws that impact persons with disabilities.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

SB-2002-HD-1

Submitted on: 3/25/2022 7:53:43 PM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Na Lan	Community Associations Institute LAC	Support	Written Testimony Only

Comments:

SB-2002-HD-1

Submitted on: 3/26/2022 11:32:48 AM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Emery	Associa	Support	Written Testimony Only

Comments:

We support CAI's testimony.

March 29, 2022

The Honorable Mark M. Nakashima, Chair
House Committee on Judiciary & Hawaiian Affairs
Via Videoconference

**RE: S.B. 2002, SD2, HD1, Relating to Fair Housing Reasonable
Accommodations**

HEARING: Tuesday, March 29, 2022, at 2:00 p.m.

Aloha Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee,

I am Ken Hiraki, Director of Government Affairs, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its over 11,000 members. HAR **supports** Senate Bill 2002, SD2, HD1, which defines "assistance animal" in the context of Hawaii law prohibiting discrimination in real property transactions. Codifies the administrative process in verifying that a person requesting a reasonable accommodation that includes the use of an assistance animal has a disability and the assistance animal is needed to alleviate one or more symptoms of the person's disability. 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. Effective November 1, 2022.

Hawai'i REALTORS® are committed to upholding fair housing law and believes that this measure will provide clarity to the assistance animal provisions. These provisions often remains the most difficult process for those seeking to follow fair housing law properly.

Additionally, websites that sell service animal vests, registration documents or other items could confuse a consumer into thinking that qualifies their animal as an assistance animal. As such, HAR believes this will provide added clarity that these items are not a valid verification.

HAR appreciates the November 1, 2022 effective date as this will allow us to update the Service and/or Support Animal Addendum to the Rental Agreement and educate our members on the changes.

Mahalo for the opportunity to testify.