

JAN 19 2024

A BILL FOR AN ACT

RELATING TO EQUITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 489, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . UNIVERSAL CHANGING ACCOMMODATIONS**

5 **§489- Definitions.** As used in this part:

6 "New establishment" means a place of public accommodation
7 or state building construction that is constructed after
8 December 31, 2024.

9 "Restroom for public use" means a restroom that is
10 accessible to persons, other than employees, of the public
11 accommodation in which the restroom is located.

12 "State building construction" shall have the same meaning
13 as used in section 107-21.

14 "Universal changing accommodation" means a powered,
15 height-adjustable adult changing station that is either floor or
16 wall-mounted and installed within an enclosed restroom facility
17 in a women's, men's, gender-neutral, or unisex family restroom.



1 **§489- New establishments; criteria and application.** A
2 place of public accommodation or state building construction
3 shall be deemed to be constructed on the earlier of either the
4 date that a certificate of occupancy is issued or the first date
5 of occupancy for public use, regardless of whether the
6 establishment has obtained a certificate of occupancy in
7 compliance with applicable state and county laws.

8 **§489- Requirement to provide universal changing**
9 **accommodations.** (a) On each floor containing restrooms for
10 public use, each new establishment shall be required to provide,
11 at a minimum, the following:

12 (1) Two universal changing accommodations that are
13 accessible, one each, by women and men; or

14 (2) One universal changing accommodation that is
15 accessible by both women and men.

16 (b) Each new establishment shall post signage indicating
17 the location of each universal changing accommodation.

18 (c) A violation of this section shall constitute an
19 unlawful discriminatory practice.

20 **§489- Construction documents.** Construction documents
21 for each new establishment shall show whether a restroom is a



1 restroom for public use as defined in this part, and the
2 location of each universal changing accommodation within each
3 restroom for public use. If a restroom is not shown as a
4 restroom for public use on the construction documents and,
5 subsequent to the issuance of the building permit authorizing
6 the construction or renovation of the restroom, there is a
7 change in the designation of the restroom to a restroom for
8 public use, a universal changing accommodation shall be provided
9 upon the change of designation.

10 **§489- Hardship exemption.** A new establishment shall
11 not be subject to the provisions of this part if compliance
12 would create a hardship. Compliance shall be deemed to create a
13 hardship if:

- 14 (1) No reasonable physical option exists for providing
15 universal changing accommodations; or
16 (2) The cost of providing universal changing
17 accommodations exceeds ten per cent of the cost of
18 constructing, purchasing, or substantially modifying
19 the building or facility.

20 **§489- Violations; private cause of action.** Any person
21 who is injured by an unlawful discriminatory practice under this



1 part may bring proceedings to enjoin the unlawful discriminatory
2 practice, and if the judgment is for the plaintiff, the
3 plaintiff shall be awarded reasonable attorneys' fees, the cost
4 of suit, and a sum of \$100. Any action under this part shall be
5 subject to the jurisdiction of the district courts as provided
6 in chapter 604 and may be commenced and conducted in the small
7 claims division of the district court.

8 **§489- Exclusion from Hawaii civil rights commission.**

9 Notwithstanding any other law to the contrary, this part shall
10 not be subject to chapter 368 and shall not be enforced by the
11 Hawaii civil rights commission."

12 SECTION 2. Section 107-27, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§107-27 Design of state buildings.** (a) No later than
15 one year after the adoption of codes or standards pursuant to
16 section 107-24(c), the design of all state building construction
17 shall be in compliance with the Hawaii state building codes,
18 except state building construction shall be allowed to be
19 exempted from:

- 20 (1) County codes that have not adopted the Hawaii state
21 building codes;



1 (2) Any county code amendments that are inconsistent with
2 the minimum performance objectives of the Hawaii state
3 building codes or the objectives enumerated in this
4 part; or

5 (3) Any county code amendments that are contrary to code
6 amendments adopted by another county.

7 (b) Exemptions shall include county ordinances allowing
8 the exercise of indigenous Hawaiian architecture adopted in
9 accordance with section 46-1.55.

10 (c) The State shall consider hurricane resistant criteria
11 when designing and constructing new public schools for the
12 capability of providing shelter refuge.

13 (d) Beginning July 1, 2023, where feasible and
14 cost-effective, the design of all new state building
15 construction shall:

16 (1) Maximize energy and water efficiency measures;

17 (2) Maximize energy generation potential; and

18 (3) Use building materials that reduce the carbon
19 footprint of the project.

20 (e) State building construction shall include universal
21 changing accommodations pursuant to part of chapter 489."

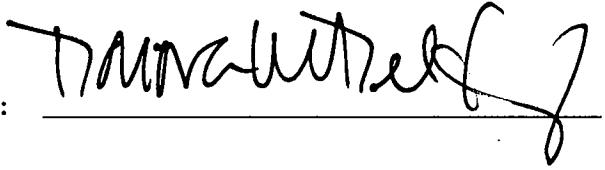


1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

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

6

INTRODUCED BY: 



S.B. NO. 2503

Report Title:

Equity; Universal Changing Accommodations; Public Accommodation;
State Building Construction

Description:

Requires all places of public accommodation constructed after 12/31/24 and state building construction completed after 12/31/24 to provide universal changing accommodations that are equally accessible regardless of gender.

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

