
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 defined 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 either the date that a
4 certificate of occupancy is issued or the first date of
5 occupancy for public use, whichever is earlier, regardless of
6 whether the establishment has obtained a certificate of
7 occupancy in 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; provided that
13 one is accessible by women and one is accessible by
14 men; or

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

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

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



1 **§489- Construction documents.** Construction documents
2 for each new establishment shall show whether a restroom is a
3 restroom for public use as defined in this part, and the
4 location of each universal changing accommodation within each
5 restroom for public use. If a restroom is not shown as a
6 restroom for public use on the construction documents and,
7 subsequent to the issuance of the building permit authorizing
8 the construction or renovation of the restroom, there is a
9 change in the designation of the restroom to a restroom for
10 public use, a universal changing accommodation shall be provided
11 upon the change of designation.

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

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



1 **§489- Violations; private cause of action.** Any person
 2 who is injured by an unlawful discriminatory practice under this
 3 part may bring proceedings to enjoin the unlawful discriminatory
 4 practice, and if the judgment is for the plaintiff, the
 5 plaintiff shall be awarded reasonable attorneys' fees, the cost
 6 of suit, and a sum of \$100. Any action under this part shall be
 7 subject to the jurisdiction of the district courts as provided
 8 in chapter 604 and may be commenced and conducted in the small
 9 claims division of the district court.

10 **§489- Exclusion from civil rights commission.**
 11 Notwithstanding any other law to the contrary, this part shall
 12 not be subject to chapter 368 and shall not be enforced by the
 13 civil rights commission."

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

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



- 1 (1) County codes that have not adopted the Hawaii state
2 building codes;
- 3 (2) Any county code amendments that are inconsistent with
4 the minimum performance objectives of the Hawaii state
5 building codes or the objectives enumerated in this
6 part; or
- 7 (3) Any county code amendments that are contrary to code
8 amendments adopted by another county.
- 9 (b) Exemptions shall include county ordinances allowing
10 the exercise of indigenous Hawaiian architecture adopted in
11 accordance with section 46-1.55.
- 12 (c) The State shall consider hurricane resistant criteria
13 when designing and constructing new public schools for the
14 capability of providing shelter refuge.
- 15 (d) Beginning July 1, 2023, where feasible and
16 cost-effective, the design of all new state building
17 construction shall:
- 18 (1) Maximize energy and water efficiency measures;
- 19 (2) Maximize energy generation potential; and
- 20 (3) Use building materials that reduce the carbon
21 footprint of the project.



1 (e) Where feasible and cost effective, state building
2 construction projects bid after June 30, 2025, shall include
3 universal changing accommodations pursuant to part of
4 chapter 489."

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

8 SECTION 4. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2040.



Report Title:

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

Description:

Requires all places of public accommodation and state building constructions constructed after 12/31/24 to provide universal changing accommodations that are equally accessible regardless of gender. Requires state building construction projects that are bid after 6/30/2025 to include universal changing accommodations that are equally accessible regardless of gender, when doing so is feasible and cost effective. Takes effect 7/1/2040. (SD2)

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