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# 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-A Definitions.** As used in this part:

6           "Enclosed restroom facility" means a restroom facility that  
7 is fully enclosed and does not include a restroom facility whose  
8 interior is exposed to weather.

9           "Family restroom" means a restroom facility that is  
10 suitable for the needs of families or groups that are traveling  
11 with babies, children, or people with disabilities and that:

12           (1) Includes a toilet, washbasin, and change table that is  
13               capable of supporting an adult;

14           (2) Is accessible to people with disabilities;

15           (3) Is large enough to permit a member of the family or  
16               group to accompany another member of the family or



1 group to assist the person in using the facilities;  
2 and

3 (4) Is open to any gender and permits a person of one  
4 gender to assist a member of another gender in using  
5 the facilities.

6 "New establishment" means a place of public accommodation  
7 that is constructed after December 31, 2023, or state building  
8 construction projects bid after June 30, 2024.

9 "State building construction" shall have the same meaning  
10 as in section 107-21.

11 "Universal changing accommodation" means a powered, height  
12 adjustable adult changing station that is either floor or wall  
13 mounted that is installed within an enclosed restroom facility.

14 **§489-B Place of public accommodation; criteria and**  
15 **application.** A place of public accommodation shall be deemed to  
16 be constructed on the earlier of the date a certificate of  
17 occupancy is issued or the first date of occupancy for public  
18 use, regardless of whether the establishment has obtained a  
19 certificate of occupancy in compliance with applicable state and  
20 county laws.



1           **§489-C Requirement to provide universal changing**  
2 **accommodations.** (a) Each new establishment with one or more  
3 family restrooms shall be required to provide, at a minimum, one  
4 universal changing accommodation that is accessible by any  
5 gender at each family restroom; provided that state building  
6 construction projects bid after June 30, 2024, shall only be  
7 required to provide universal changing accommodations where  
8 feasible and cost effective.

9           (b) Each new establishment shall post signage indicating  
10 the location of the universal changing accommodations required  
11 by subsection (a).

12           (c) A violation of this section shall constitute an  
13 unlawful discriminatory practice.

14           **§489-D Construction documents.** Construction documents for  
15 new establishments shall show whether or not a restroom is a  
16 family restroom as defined in this part, and the location of  
17 each universal changing accommodation within all family  
18 restrooms. If a restroom is not shown as a family restroom on  
19 the construction documents and, subsequent to the issuance of  
20 the building permit authorizing the construction or renovation  
21 of the restroom, there is a change in the designation of the



1 restroom to a family restroom, a universal changing  
2 accommodation and posted signage required by section 489-C shall  
3 be provided upon the change of designation.

4 **§489-E Hardship exemption.** A new establishment shall not  
5 be subject to the provisions of this part if compliance would  
6 create a hardship. Compliance shall be deemed to create a  
7 hardship if:

8 (1) No reasonable physical option exists for providing  
9 universal changing accommodations; or

10 (2) The cost of providing universal changing  
11 accommodations exceeds ten per cent of the cost of  
12 constructing, purchasing, or substantially modifying  
13 the building or facility.

14 **§489-F Violations; private cause of action.** Any person  
15 who is injured by an unlawful discriminatory practice under this  
16 part may bring proceedings to enjoin the unlawful discriminatory  
17 practice, and if the judgment is for the plaintiff, the  
18 plaintiff shall be awarded reasonable attorneys' fees, the cost  
19 of suit, and a sum of \$100. Any action under this part shall be  
20 subject to the jurisdiction of the district courts as provided



1 in chapter 604, and may be commenced and conducted in the small  
2 claims division of the district court.

3 **§489-G Exclusion from Hawaii civil rights commission.**

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

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

9 **"§107-27 Design of state buildings.** (a) No later than  
10 one year after the adoption of codes or standards pursuant to  
11 section 107-24(c), the design of all state building construction  
12 shall be in compliance with the Hawaii state building codes[~~7~~  
13 ~~except~~]; provided that state building construction shall be  
14 allowed to be exempted from:

- 15 (1) County codes that have not adopted the Hawaii state  
16 building codes;
- 17 (2) Any county code amendments that are inconsistent with  
18 the minimum performance objectives of the Hawaii state  
19 building codes or the objectives enumerated in this  
20 part; or



1 (3) Any county code amendments that are contrary to code  
2 amendments adopted by another county.

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

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

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

12 (1) Maximize energy and water efficiency measures;

13 (2) Maximize energy generation potential; and

14 (3) Use building materials that reduce the carbon  
15 footprint of the project.

16 (e) Where feasible and cost effective, state building  
17 construction projects bid after June 30, 2024, shall include  
18 universal changing accommodations pursuant to part of  
19 chapter 489."

20 SECTION 3. In codifying the new sections added by section  
21 1 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

3 SECTION 4. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 5. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2050.

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**Report Title:**

Equity; Universal Changing Accommodations; Place of Public Accommodation; State Building Construction; Family Restrooms

**Description:**

Requires all places of public accommodation constructed after 12/31/23, and state building construction projects bid after 6/30/24, to provide one or more universal changing accommodations at each family restroom; provided that state building construction projects shall only be required to provide universal changing accommodations where feasible and cost effective. Provides exemptions for hardship. Makes a violation of the universal changing accommodations requirement an unlawful discriminatory practice. Creates a private cause of action for a violation, with defined remedies. Effective 7/1/2050. (HD1)

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