



## DISABILITY AND COMMUNICATION ACCESS BOARD

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February 22, 2019

### TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

#### Senate Bill 334, SD 1 - Relating to Assistance Animals

The Disability and Communication Access Board (DCAB) offers comments on Senate Bill 334, SD1 - Relating to Assistance Animals, specifically animals defined as assistance animals for persons with disabilities in the context of housing.

The first change in the bill is to add a definition of "assistance animal" to the housing statute under the jurisdiction of the Hawaii Civil Rights Commission (HCRC). This is consistent with the U.S. Department of Housing and Urban Development (HUD) and the definition already present in the HCRC administrative rules.

The other changes offer clarity on the verification of an animal as an assistance animal. Senate Draft 1 removed the language that we objected to in the original bill and offered some additional new language regarding vests and other garments. With the new wording in SD1, we are fine with the language in the bill.

Thank you for this opportunity to offer comments.

Respectfully submitted,

FRANCINE WAI  
Executive Director



# HAWAI‘I CIVIL RIGHTS COMMISSION

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February 22, 2019  
Rm. 016, 9:00 a.m.

To: The Honorable Karl Rhoads, Chair  
Members of the Senate Committee on Judiciary

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 334, S.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 (on the basis of disability). 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 state fair housing law, HRS chapter 515, is enforced by the HCRC. The HCRC has a cooperative agreement with the U.S. Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity (FHEO) for HCRC investigation of complaints that are dual filed under state law and the federal Fair Housing Act (FHA).

If enacted, S.B. No. 334, S.D. 1, would amend HRS § 515-2 to add a definition of “assistance animal,” and amend HRS § 515-3 to require that verification of a disability to establish the disability-related need for an assistance animal be issued in writing by a “health care professional, mental health professional, social worker, or rehabilitation counselor,” and expressly specify that possession of a vest or other animal garment, tag, or registration document purporting to identify an animal as a service or assistance animal does not constitute valid verification.

The HCRC opposed S.B. No. 334 as originally written, because Section 3 of the bill proposed a requirement that written verification of disability be based on “personal evaluat[ion],” which is not a requirement under the federal FHA, raising the risk that it could affect our HUD certification of substantial equivalence between state fair housing law and the FHA, and create potential jeopardy of de-certification and loss of the HCRC’s HUD contract. **That concern has been addressed by the Committee on Commerce, Consumer Protection, and Health, in S.B. No. 334, S.D. 1, so the HCRC does not oppose the S.D. 1.**

#### **New definition of “assistance animal”**

Section 2 of the bill amends HRS § 515-2 to add a new definition of “assistance animal”:

"Assistance animal" means an animal that is needed to perform disability-related work, services or tasks for the benefit of a person with a disability, or is needed to provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals may include but are not limited to service animals, comfort animals, or emotional support animals. Assistance animals may have formal training or may be untrained, and may include species other than dogs.

This statutory codification is nearly identical to the definition of “assistance animal” provided in the HCRC’s rules, at HAR § 12-46-302, but omits inclusion of “therapy animals.” The HCRC has no disagreement with the definition, but notes that statutory codification is not necessary, as the administrative rule has the force and effect of law.

Thank you for your consideration.

**SB-334-SD-1**

Submitted on: 2/20/2019 2:33:53 PM

Testimony for JDC on 2/22/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Agena	Testifying for Hawaiian Properties, Ltd.	Oppose	No

Comments:

**SB-334-SD-1**

Submitted on: 2/21/2019 7:37:04 AM

Testimony for JDC on 2/22/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

**SB-334-SD-1**

Submitted on: 2/15/2019 10:29:30 PM

Testimony for JDC on 2/22/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jane Sugimura	Individual	Support	No

Comments:

**SB-334-SD-1**

Submitted on: 2/17/2019 4:52:25 PM

Testimony for JDC on 2/22/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carlos	Individual	Oppose	No

Comments:

This language opens up the intent to abuse by anyone with a pet.