
A BILL FOR AN ACT

RELATING TO ASSISTANCE ANIMALS.

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

1 SECTION 1. The legislature finds that recent legislation
2 prohibits the misrepresentation of animals as service animals.
3 Act 217, Session Laws of Hawaii 2018 (Act 217), amends the
4 definition of "service animal" to mean "any dog that is
5 individually trained to do work or perform tasks for the benefit
6 of an individual with a disability, including a physical,
7 sensory, psychiatric, intellectual, or other mental disability"
8 and requires that the work or tasks performed by the service
9 animal relate directly to the individual's disability. Act 217
10 also excludes other species of animals and the provision of
11 emotional support, comfort, or companionship.

12 The legislature further finds that the term "service
13 animal" applies in the general Americans with Disabilities Act
14 context, while the broader term "assistance animal", which is
15 used under the federal and state fair housing laws, includes a
16 wider category of animals who provide support, including
17 emotional support animals and service animals. When a person



1 with a disability requests the use of an assistance animal as a
2 reasonable housing accommodation, the housing provider may ask
3 for information, including verification from a treating health
4 care professional, that the person has a disability and the
5 requested assistance animal is needed to alleviate one or more
6 symptoms of the person's disability. "Assistance animal" is
7 defined in the State's administrative rules, but not in statute.

8 To assist individuals requiring assistance animals and
9 housing providers requested to make reasonable accommodations
10 for assistance animals, the purpose of this Act is to:

- 11 (1) Codify the administrative definition of "assistance
12 animal";
- 13 (2) Clarify the type of verification that may be provided
14 by the individual to establish the need for an
15 assistance animal; and
- 16 (3) Specify that possession of a vest or other
17 distinguishing animal garment, tag, or registration
18 document commonly purchased online and purporting to
19 identify an animal as a service animal or assistance
20 animal does not constitute valid verification of a
21 disability-related need for an assistance animal.



1 SECTION 2. Section 515-2, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

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

13 SECTION 3. Section 515-3, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§515-3 Discriminatory practices.** It is a discriminatory
16 practice for an owner or any other person engaging in a real
17 estate transaction, or for a real estate broker or salesperson,
18 because of race[]; sex, including gender identity or
19 expression[]; sexual orientation[]; color[]; religion[];
20 marital status[]; familial status[]; ancestry[];



1 disability[7]; age[7]; or human immunodeficiency virus

2 infection:

3 (1) To refuse to engage in a real estate transaction with
4 a person;

5 (2) To discriminate against a person in the terms,
6 conditions, or privileges of a real estate transaction
7 or in the furnishing of facilities or services in
8 connection with a real estate transaction;

9 (3) To refuse to receive or to fail to transmit a bona
10 fide offer to engage in a real estate transaction from
11 a person;

12 (4) To refuse to negotiate for a real estate transaction
13 with a person;

14 (5) To represent to a person that real property is not
15 available for inspection, sale, rental, or lease when
16 in fact it is available, or to fail to bring a
17 property listing to the person's attention, or to
18 refuse to permit the person to inspect real property,
19 or to steer a person seeking to engage in a real
20 estate transaction;



1 (6) To offer, solicit, accept, use, or retain a listing of
2 real property with the understanding that a person may
3 be discriminated against in a real estate transaction
4 or in the furnishing of facilities or services in
5 connection with a real estate transaction;

6 [+] (7) [+] To solicit or require as a condition of engaging in a
7 real estate transaction that the buyer, renter, or
8 lessee be tested for human immunodeficiency virus
9 infection, the causative agent of acquired
10 immunodeficiency syndrome;

11 [+] (8) [+] To refuse to permit, at the expense of a person with a
12 disability, reasonable modifications to existing
13 premises occupied or to be occupied by the person if
14 modifications may be necessary to afford the person
15 full enjoyment of the premises; provided that a real
16 estate broker or salesperson, where it is reasonable
17 to do so, may condition permission for a modification
18 on the person agreeing to restore the interior of the
19 premises to the condition that existed before the
20 modification, reasonable wear and tear excepted;



1 [+] (9) [+] To refuse to make reasonable accommodations in rules,
2 policies, practices, or services, when the
3 accommodations may be necessary to afford a person
4 with a disability equal opportunity to use and enjoy a
5 housing accommodation; provided that if reasonable
6 accommodations include the use of an assistance
7 animal, reasonable restrictions may be imposed;
8 provided further that:

9 (A) A housing provider may request verification to be
10 provided by a person with a disability to
11 establish the disability-related need for a
12 specific assistance animal as a reasonable
13 accommodation, issued in writing by a health care
14 professional, mental health professional, social
15 worker, or rehabilitation counselor; and

16 (B) The possession of a vest or other distinguishing
17 animal garment, tag, or registration document
18 commonly purchased online and purporting to
19 identify an animal as a service animal or
20 assistance animal does not constitute valid
21 verification;



1 [+] (10) [+] In connection with the design and construction of
2 covered multifamily housing accommodations for first
3 occupancy after March 13, 1991, to fail to design and
4 construct housing accommodations in such a manner
5 that:

6 (A) The housing accommodations have at least one
7 accessible entrance, unless it is impractical to
8 do so because of the terrain or unusual
9 characteristics of the site; and

10 (B) With respect to housing accommodations with an
11 accessible building entrance:

12 (i) The public use and common use portions of
13 the housing accommodations are accessible to
14 and usable by persons with disabilities;

15 (ii) Doors allow passage by persons in
16 wheelchairs; and

17 (iii) All premises within covered multifamily
18 housing accommodations contain an accessible
19 route into and through the housing
20 accommodations; light switches, electrical
21 outlets, thermostats, and other



1 environmental controls are in accessible
2 locations; reinforcements in the bathroom
3 walls allow installation of grab bars; and
4 kitchens and bathrooms are accessible by
5 wheelchair; or

6 ~~(11)~~ To discriminate against or deny a person access to, or
7 membership or participation in any multiple listing
8 service, real estate broker's organization, or other
9 service, organization, or facility involved either
10 directly or indirectly in real estate transactions, or
11 to discriminate against any person in the terms or
12 conditions of access, membership, or participation."

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.
16



Report Title:

Deaf and Blind Task Force; Assistance Animals; Reasonable Accommodation Verification

Description:

Codifies the administrative rule definition of "assistance animal". Clarifies the type of verification an individual may provide to substantiate a reasonable accommodation request for a specific assistance animal. 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. (SD2)

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