
A BILL FOR AN ACT

RELATING TO FAIR HOUSING REASONABLE ACCOMMODATIONS.

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 states that the
11 provision of emotional support, comfort, or companionship does
12 not constitute work or tasks for purposes of the definition.

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



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

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

- 13 (1) Codify the administrative definition of "assistance
14 animal";
- 15 (2) Permit an owner or person engaged in a real estate
16 transaction to request verification if the disability-
17 related need for an assistance animal is not readily
18 apparent; and
- 19 (3) Specify that possession of a vest or other
20 distinguishing animal garment, tag, or registration
21 document commonly purchased online and purporting to



1 identify an animal as a service animal or assistance
2 animal does not constitute valid verification of a
3 disability-related need for an assistance animal.

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

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

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

18 **"§515-3 Discriminatory practices.** It is a discriminatory
19 practice for an owner or any other person engaging in a real
20 estate transaction, or for a real estate broker or salesperson,
21 because of race[7]; sex, including gender identity or



1 expression[]; sexual orientation[]; color[]; religion[];
2 marital status[]; familial status[]; ancestry[];
3 disability[]; age[]; or human immunodeficiency virus
4 infection:

- 5 (1) To refuse to engage in a real estate transaction with
6 a person;
- 7 (2) To discriminate against a person in the terms,
8 conditions, or privileges of a real estate transaction
9 or in the furnishing of facilities or services in
10 connection with a real estate transaction;
- 11 (3) To refuse to receive or to fail to transmit a bona
12 fide offer to engage in a real estate transaction from
13 a person;
- 14 (4) To refuse to negotiate for a real estate transaction
15 with a person;
- 16 (5) To represent to a person that real property is not
17 available for inspection, sale, rental, or lease when
18 in fact it is available, or to fail to bring a
19 property listing to the person's attention, or to
20 refuse to permit the person to inspect real property,



1 or to steer a person seeking to engage in a real
2 estate transaction;

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

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

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



1 premises to the condition that existed before the
2 modification, reasonable wear and tear excepted;
3 ~~(f)~~ (9) ~~(h)~~ To refuse to make reasonable accommodations in rules,
4 policies, practices, or services, when the
5 accommodations may be necessary to afford a person
6 with a disability equal opportunity to use and enjoy a
7 housing accommodation; provided that if reasonable
8 accommodations include the use of an assistance
9 animal, reasonable restrictions may be imposed;
10 provided further that if the disability-related need
11 for an assistance animal is not readily apparent, an
12 owner or other person engaging in the real estate
13 transaction may request that a person claiming a
14 disability provide verification to establish the
15 disability-related need for a specific assistance
16 animal as a reasonable accommodation; provided further
17 that possession of a vest or other distinguishing
18 animal garment, tag, or registration documents that
19 are commonly purchased online and purporting to
20 identify an animal as a service animal or assistance
21 animal shall not constitute valid 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 on November 1, 2021.



Report Title:

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

Description:

Codifies the administrative rule definition of "assistance animal". Permits an owner or person engaged in a real estate transaction to request verification if the disability-related need for an assistance animal is not readily apparent. 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. Effective 11/1/21. (SD2)

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