
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, 2023.

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, height
15 adjustable adult changing station that is either floor or wall
16 mounted within an enclosed gendered, nongendered, or family
17 restroom facility.



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

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

16 (b) Each new establishment shall post signage indicating
17 the location of the universal changing accommodations.

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

20 **§489- Construction documents.** Construction documents
21 for new establishments shall show whether or not a restroom is a



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

10 **§489- Hardship exemption.** A new establishment shall not
11 be subject to the provisions of this part if compliance would
12 create a hardship. Compliance shall be deemed to create a
13 hardship if:

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

20 **§489- Violations; private cause of action.** Any person
21 who is injured by an unlawful discriminatory practice under this



1 part may bring proceedings to enjoin the unlawful discriminatory
2 practice, and if the judgment is for the plaintiff, the
3 plaintiff shall be awarded reasonable attorneys' fees, the cost
4 of suit, and a sum of \$100. Any action under this part shall be
5 subject to the jurisdiction of the district courts as provided
6 in chapter 604, and may be commenced and conducted in the small
7 claims division of the district court.

8 **§489- Exclusion from Hawaii civil rights commission.**

9 Notwithstanding any other law to the contrary, this part shall
10 not be subject to chapter 368 and shall not be enforced by the
11 civil rights commission."

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

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

- 20 (1) County codes that have not adopted the Hawaii state
21 building codes;



1 (2) Any county code amendments that are inconsistent with
2 the minimum performance objectives of the Hawaii state
3 building codes or the objectives enumerated in this
4 part; or

5 (3) Any county code amendments that are contrary to code
6 amendments adopted by another county.

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

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

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

16 (1) Maximize energy and water efficiency measures;

17 (2) Maximize energy generation potential; and

18 (3) Use building materials that reduce the carbon
19 footprint of the project.

20 (e) Where feasible and cost effective, bids for state
21 building construction projects submitted after June 30, 2024,



1 shall include universal changing accommodations pursuant to
2 part of chapter 489."

3 SECTION 3. 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 4. If any provision of this Act, or the
7 application thereof to any person or circumstance, is held
8 invalid, the invalidity does not affect other provisions or
9 applications of the Act that can be given effect without the
10 invalid provision or application, and to this end the provisions
11 of this Act are severable.

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on June 30, 3000.



Report Title:

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

Description:

Requires all places of public accommodation constructed after 12/31/23 to provide universal changing accommodations in public restrooms. Where feasible and cost effective, requires all bids for state building construction, projects submitted after 6/30/2024 to provide universal changing accommodations in public restrooms. Effective 6/30/3000. (SD1)

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