
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 and 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:

17 (1) The date a certificate of occupancy was issued; or

18 (2) The first date of occupancy for public use, regardless
19 of whether the establishment has obtained a
20 certificate of occupancy in compliance with applicable
21 state and county laws.



1 **§489-C Universal changing accommodations; required.** (a)

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

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

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

13 **§489-D Construction documents.** Construction documents for
14 each new establishment shall specify whether a restroom is a
15 family restroom as defined in this part, and the location of
16 each universal changing accommodation within all family
17 restrooms. If a restroom is not shown as a family restroom on
18 the construction documents but, subsequent to the issuance of
19 the building permit authorizing the construction or renovation
20 of the restroom, there is a change in the designation of the
21 restroom to a family restroom, a universal changing



1 accommodation and posted signage required by section 489-C shall
2 be provided upon the change of designation.

3 **§489-E Hardship exemption.** A new establishment shall not
4 be subject to the provisions of this part if compliance would
5 create a hardship. Compliance shall be deemed to create a
6 hardship if:

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

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

13 **§489-F Violations; private cause of action.** Any person
14 who is injured by an unlawful discriminatory practice under this
15 part may bring proceedings to enjoin the unlawful discriminatory
16 practice, and if the judgment is for the plaintiff, the
17 plaintiff shall be awarded reasonable attorneys' fees, the cost
18 of the suit, and a sum of \$100. Any action under this part
19 shall be subject to the jurisdiction of the district courts as
20 provided in chapter 604, and may be commenced and conducted in
21 the small claims division of the district court.



1 **§489-G Exclusion from Hawaii civil rights commission.**

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

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

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

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



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

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

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

10 (1) Maximize energy and water efficiency measures;

11 (2) Maximize energy generation potential; and

12 (3) Use building materials that reduce the carbon
13 footprint of the project.

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

18 SECTION 3. In codifying the new sections added by section
19 1 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



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

4 SECTION 5. If any provision of this Act, or the
5 application thereof to any person or circumstance, is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the Act that can be given effect without the
8 invalid provision or application, and to this end the provisions
9 of this Act are severable.

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect on June 30, 3000.

13



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 6/30/3000. (HD2)

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