



GOV. MSG. NO. 1255

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 27, 2022

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty-First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty-First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2022, the following bill was signed into law:

SB2002 SD2 HD2

RELATING TO FAIR HOUSING REASONABLE  
ACCOMMODATIONS.  
**ACT 154**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor

on JUN 27 2022

THE SENATE  
THIRTY-FIRST LEGISLATURE, 2022  
STATE OF HAWAII

**ACT 154**  
**S.B. NO.** 2002  
S.D. 2  
H.D. 2

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# 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 the provision of  
11 emotional support, comfort, or companionship.

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



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

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

- 13 (1) Define "assistance animal" in the context of existing  
14 state law prohibiting discrimination in real property  
15 transactions;
- 16 (2) Codify the administrative process to verify that a  
17 person requesting a reasonable accommodation that  
18 includes the use of an assistance animal has a  
19 disability and the assistance animal is needed to  
20 alleviate one or more symptoms of the person's  
21 disability; and



1 (3) Specify that possession of a vest or other  
2 distinguishing animal garment, tag, or registration  
3 document commonly purchased online and purporting to  
4 identify an animal as a service animal or assistance  
5 animal does not constitute valid verification of a  
6 disability-related need for an assistance animal.

7 SECTION 2. Section 515-3, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 **"§515-3 Discriminatory practices.** (a) It is a  
10 discriminatory practice for an owner or any other person  
11 engaging in a real estate transaction, or for a real estate  
12 broker or salesperson, because of race[  ]; sex, including gender  
13 identity or expression[  ]; sexual orientation[  ]; color[  ];  
14 religion[  ]; marital status[  ]; familial status[  ]; ancestry[  ];  
15 disability[  ]; age[  ]; or human immunodeficiency virus  
16 infection:

17 (1) To refuse to engage in a real estate transaction with  
18 a person;

19 (2) To discriminate against a person in the terms,  
20 conditions, or privileges of a real estate transaction



- 1 or in the furnishing of facilities or services in  
2 connection with a real estate transaction;
- 3 (3) To refuse to receive or to fail to transmit a bona  
4 fide offer to engage in a real estate transaction from  
5 a person;
- 6 (4) To refuse to negotiate for a real estate transaction  
7 with a person;
- 8 (5) To represent to a person that real property is not  
9 available for inspection, sale, rental, or lease when  
10 in fact it is available~~[, or to]~~; fail to bring a  
11 property listing to the person's attention~~[, or to]~~;  
12 refuse to permit the person to inspect real  
13 property~~[,]~~; or ~~[to]~~ steer a person seeking to engage  
14 in a real estate transaction;
- 15 (6) To offer, solicit, accept, use, or retain a listing of  
16 real property with the understanding that a person may  
17 be discriminated against in a real estate transaction  
18 or in the furnishing of facilities or services in  
19 connection with a real estate transaction;
- 20 [+](7) [+] To solicit or require as a condition of engaging in a  
21 real estate transaction that the buyer, renter, or



1           lessee be tested for human immunodeficiency virus  
2           infection, the causative agent of acquired  
3           immunodeficiency syndrome;  
4   [+] (8) [+] To refuse to permit, at the expense of a person with a  
5           disability, reasonable modifications to existing  
6           premises occupied or to be occupied by the person if  
7           modifications may be necessary to afford the person  
8           full enjoyment of the premises; provided that a real  
9           estate broker or salesperson, where it is reasonable  
10          to do so, may condition permission for a modification  
11          on the person agreeing to restore the interior of the  
12          premises to the condition that existed before the  
13          modification, reasonable wear and tear excepted;  
14   [+] (9) [+] To refuse to make reasonable accommodations in rules,  
15          policies, practices, or services, when the  
16          accommodations may be necessary to afford a person  
17          with a disability equal opportunity to use and enjoy a  
18          housing accommodation; provided that if reasonable  
19          accommodations include the use of an assistance  
20          animal, reasonable restrictions may be imposed;  
21          provided further that if the disability is not readily



1 apparent, an owner or other person engaging in a real  
2 estate transaction may request information that  
3 verifies that the person has a disability, defined as  
4 a physical or mental impairment that substantially  
5 limits a major life activity. An owner or other  
6 person engaging in a real estate transaction shall not  
7 request medical records or access to health care  
8 providers, and shall not inquire as to the diagnosis,  
9 nature, or severity of the person's disability. If  
10 the disability-related need for an assistance animal  
11 is not readily apparent, an owner or other person  
12 engaging in a real estate transaction may request  
13 verification that the assistance animal is needed to  
14 alleviate one or more symptoms of the person's  
15 disability. Verification may be provided by a letter  
16 or other communication from the person's treating  
17 health care professional, mental health professional,  
18 or social worker. Possession of a vest or other  
19 distinguishing animal garment, tag, or registration  
20 documents that are commonly purchased online and  
21 purporting to identify an animal as a service animal



1           or assistance animal shall not constitute valid  
2           verification;

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

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

12           (B) With respect to housing accommodations with an  
13           accessible building entrance:

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

17           (ii) Doors allow passage by persons in  
18           wheelchairs; and

19           (iii) All premises within covered multifamily  
20           housing accommodations contain an accessible  
21           route into and through the housing





1 accommodations; light switches, electrical  
2 outlets, thermostats, and other  
3 environmental controls are in accessible  
4 locations; reinforcements in the bathroom  
5 walls allow installation of grab bars; and  
6 kitchens and bathrooms are accessible by  
7 wheelchair; or

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

15 (b) For purposes of this section, "assistance animal"  
16 means an animal that is needed to perform disability-related  
17 work, services, or tasks for the benefit of a person with a  
18 disability or provide emotional support that alleviates one or  
19 more identified symptoms or effects of a person's disability.  
20 "Assistance animals" may include but are not limited to service  
21 animals, therapy animals, comfort animals, or emotional support



1 animals that may have formal training or may be untrained and  
2 may include species other than dogs."

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on November 1, 2022.

APPROVED this 27th day of June , 2022



GOVERNOR OF THE STATE OF HAWAII

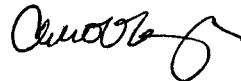
**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 20, 2022  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of ~~2022~~.



President of the Senate



Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE  
STATE OF HAWAII

Date: April 12, 2022  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives