



HAWAI‘I CIVIL RIGHTS COMMISSION

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Thursday, January 30, 2025, at 1:10 p.m.
Conference Room 225 & Videoconference

To: The Honorable Stanley Chang, Chair
The Honorable Troy N. Hashimoto, Vice Chair
Members of the Senate Committee on Housing

From: Dr. William J. Puette, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 31

SUPPORT with Suggested edits

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The HCRC SUPPORTS S.B. 31 and offers comments.

Section 515-6 of the Hawai‘i Revised Statutes currently prohibits discriminatory restrictive covenants and conditions based on Hawai‘i’s protected classes: race, sex, including gender identity or expression, sexual orientation, color, religion, marital status, familial status, ancestry, disability, age, or human immunodeficiency virus infection.

The HCRC supports adding a definition of discriminatory restrictive covenant and new section (d) of 515-6 which allows a person who discovers a recorded discriminatory restrictive covenant to take action to invalidate the covenant without liability which may reduce time, cost, and other barriers to removing discriminatory covenants.

Discriminatory restrictive covenants are more than just evidence of a painful past, but a formal, written history of discriminatory practices that have resulted in division and inequity in society today.

Hawai‘i’s fair housing laws provide protection for more protected classes than Federal law. Therefore, for clarity, the HCRC suggests that all the classes protected by Hawai‘i state law be enumerated in the definition in addition to the federally protected classes by adding, for example, a Section 515-2(3):

; or,

- (3) The prohibition in Section 515-6 of the Hawai‘i Revised Statutes against discrimination on the basis of race, sex, including gender identity or expression, sexual orientation, color, religion, marital status, familial status, ancestry, disability, age, or human immunodeficiency virus infection.

Thank you for the opportunity to testify on this measure.