
A BILL FOR AN ACT

RELATING TO REAL PROPERTY TRANSACTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to prohibit
2 discriminatory practices in real property transactions,
3 specifically housing transactions, because of one's status as a
4 victim of domestic violence. Recent amendments to the federal
5 Violence Against Women Act of 1998 expressly prohibit federally-
6 funded public housing agencies from terminating a lease due to
7 incidents or threats of domestic violence, dating violence, or
8 stalking. The legislature finds that these protections should
9 be extended to victims of domestic violence in all real property
10 transactions, as victims of domestic violence are most likely to
11 be seeking new housing due to domestic violence.

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

15 "Victim of domestic violence" means:

16 (1) A person who was the cited victim of a felony or
17 misdemeanor crime of violence committed within the
18 past three years by a current or former spouse of the



1 victim, by a person with whom the victim shares a
2 child in common, or by a person who is cohabitating
3 with or has cohabitated with the victim;
4 (2) A person who is the victim of stalking as defined by
5 section 711-1106.5; or
6 (3) A person who has obtained a current valid temporary
7 restraining order or current valid protective order
8 pursuant to section 586-4 or 586-5.5; provided that
9 the person shall not be considered a victim of
10 domestic violence for purposes of this chapter where
11 the person:
12 (A) Aids and abets the subject perpetrator in a
13 course of action;
14 (B) Does not comply with the intent of the current
15 valid temporary restraining order or current
16 valid protective order; or
17 (C) Does not report to or seek the assistance of law
18 enforcement,
19 and thereby causes the person's neighbors to fear for
20 their safety, sustain property damage, or suffer
21 substantial emotional distress."



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

3 **"§515-3 Discriminatory practices.** It is a discriminatory
4 practice for an owner or any other person engaging in a real
5 estate transaction, or for a real estate broker or salesperson,
6 because of race, sex, including gender identity or expression,
7 sexual orientation, color, religion, marital status, familial
8 status, ancestry, disability, age, status as a victim of
9 domestic violence, or human immunodeficiency virus infection:

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



1 in fact it is available, or to fail to bring a
2 property listing to the person's attention, or to
3 refuse to permit the person to inspect real property,
4 or to steer a person seeking to engage in a real
5 estate transaction;

6 (6) To print, circulate, post, or mail, or cause to be
7 published a statement, advertisement, or sign, or to
8 use a form of application for a real estate
9 transaction, or to make a record or inquiry in
10 connection with a prospective real estate transaction,
11 that indicates, directly or indirectly, an intent to
12 make a limitation, specification, or discrimination
13 with respect thereto;

14 (7) To offer, solicit, accept, use, or retain a listing of
15 real property with the understanding that a person may
16 be discriminated against in a real estate transaction
17 or in the furnishing of facilities or services in
18 connection therewith;

19 (8) To refuse to engage in a real estate transaction with
20 a person or to deny equal opportunity to use and enjoy
21 a housing accommodation due to a disability because
22 the person uses the services of a guide dog, signal



1 dog, or service animal; provided that reasonable
2 restrictions or prohibitions may be imposed regarding
3 excessive noise or other problems caused by those
4 animals. For the purposes of this paragraph:

5 "Blind" shall be as defined in section 235-1;

6 "Deaf" shall be as defined in section 235-1;

7 "Guide dog" means any dog individually trained by
8 a licensed guide dog trainer for guiding a blind
9 person by means of a harness attached to the dog and a
10 rigid handle grasped by the person;

11 "Reasonable restriction" shall not include any
12 restriction that allows any owner or person to refuse
13 to negotiate or refuse to engage in a real estate
14 transaction; provided that as used in this paragraph,
15 the "reasonableness" of a restriction shall be
16 examined by giving due consideration to the needs of a
17 reasonable prudent person in the same or similar
18 circumstances. Depending on the circumstances, a
19 "reasonable restriction" may require the owner of the
20 service animal, guide dog, or signal dog to comply
21 with one or more of the following:



- 1 (A) Observe applicable laws including leash laws and
- 2 pick-up laws;
- 3 (B) Assume responsibility for damage caused by the
- 4 dog; or
- 5 (C) Have the housing unit cleaned upon vacating by
- 6 fumigation, deodorizing, professional carpet
- 7 cleaning, or other method appropriate under the
- 8 circumstances.

9 The foregoing list is illustrative only, and neither
 10 exhaustive nor mandatory;

11 "Service animal" means any animal that is trained
 12 to provide those life activities limited by the
 13 disability of the person;

14 "Signal dog" means any dog that is trained to
 15 alert a deaf person to intruders or sounds;

16 (9) To solicit or require as a condition of engaging in a
 17 real estate transaction that the buyer, renter, or
 18 lessee be tested for human immunodeficiency virus
 19 infection, the causative agent of acquired
 20 immunodeficiency syndrome;

21 (10) To refuse to permit, at the expense of a person with a
 22 disability, reasonable modifications to existing



1 premises occupied or to be occupied by the person if
2 modifications may be necessary to afford the person
3 full enjoyment of the premises. A real estate broker
4 or salesperson, where it is reasonable to do so, may
5 condition permission for a modification on the person
6 agreeing to restore the interior of the premises to
7 the condition that existed before the modification,
8 reasonable wear and tear excepted;

9 (11) To refuse to make reasonable accommodations in rules,
10 policies, practices, or services, when the
11 accommodations may be necessary to afford a person
12 with a disability equal opportunity to use and enjoy a
13 housing accommodation;

14 (12) In connection with the design and construction of
15 covered multifamily housing accommodations for first
16 occupancy after March 13, 1991, to fail to design and
17 construct housing accommodations in such a manner
18 that:

19 (A) The housing accommodations have at least one
20 accessible entrance, unless it is impractical to
21 do so because of the terrain or unusual
22 characteristics of the site; and



- 1 (B) With respect to housing accommodations with an
- 2 accessible building entrance:
- 3 (i) The public use and common use portions of
- 4 the housing accommodations are accessible to
- 5 and usable by disabled persons;
- 6 (ii) Doors allow passage by persons in
- 7 wheelchairs; and
- 8 (iii) All premises within covered multifamily
- 9 housing accommodations contain an accessible
- 10 route into and through the housing
- 11 accommodations; light switches, electrical
- 12 outlets, thermostats, and other
- 13 environmental controls are in accessible
- 14 locations; reinforcements in the bathroom
- 15 walls allow installation of grab bars; and
- 16 kitchens and bathrooms are accessible by
- 17 wheelchair; [ø]
- 18 (13) To discriminate against or deny a person access to, or
- 19 membership or participation in any multiple listing
- 20 service, real estate broker's organization, or other
- 21 service, organization, or facility involved either
- 22 directly or indirectly in real estate transactions, or



1 to discriminate against any person in the terms or
2 conditions of such access, membership, or
3 participation[-]; or

4 (14) To refuse to engage in a real estate transaction with
5 a victim of domestic violence; provided that:

6 (A) Reasonable restrictions or prohibitions may be
7 imposed regarding excessive noise or other
8 problems caused by the perpetrators of the
9 domestic violence; and

10 (B) A victim of domestic violence may be required to
11 provide at the victim's own expense, or cause to
12 be issued, in favor of the landowner or the
13 neighboring tenants or landowners, or both, a
14 policy of insurance, surety bond, or other means
15 of providing financial security, to protect:

16 (i) The present physical condition of the leased
17 premises or neighboring premises from any
18 damage; and

19 (ii) Neighboring tenants or landowners from any
20 loss due to an impairment of their quiet
21 enjoyment or use of their premises,
22 including relocation expenses,



1 caused by future acts of domestic violence."

2 SECTION 4. Section 515-5, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "**§515-5 Discriminatory financial practices.** It is a
5 discriminatory practice for a person, a representative of such
6 person, or a real estate broker or salesperson, to whom an
7 inquiry or application is made for financial assistance in
8 connection with a real estate transaction or for the
9 construction, rehabilitation, repair, maintenance, or
10 improvement of real property, because of race, sex, including
11 gender identity or expression, sexual orientation, color,
12 religion, marital status, familial status, ancestry, disability,
13 age, status as a victim of domestic violence, or human
14 immunodeficiency virus infection:

- 15 (1) To discriminate against the applicant;
- 16 (2) To use a form of application for financial assistance
17 or to make or keep a record or inquiry in connection
18 with applications for financial assistance that
19 indicates, directly or indirectly, an intent to make a
20 limitation, specification, or discrimination unless
21 the records are required by federal law;



1 (3) To discriminate in the making or purchasing of loans
 2 or the provision of other financial assistance for
 3 purchasing, constructing, improving, repairing, or
 4 maintaining a dwelling, or the making or purchasing of
 5 loans or the provision of other financial assistance
 6 secured by residential real estate; or

7 (4) To discriminate in the selling, brokering, or
 8 appraising of residential real property."

9 SECTION 5. Section 515-6, Hawaii Revised Statutes, is
 10 amended by amending subsections (a) and (b) to read as follows:

11 "(a) Every provision in an oral agreement or a written
 12 instrument relating to real property that purports to forbid or
 13 restrict the conveyance, encumbrance, occupancy, or lease
 14 thereof to individuals because of race, sex, including gender
 15 identity or expression, sexual orientation, color, religion,
 16 marital status, familial status, ancestry, disability, age,
 17 status as a victim of domestic violence, or human
 18 immunodeficiency virus infection, is void.

19 (b) Every condition, restriction, or prohibition,
 20 including a right of entry or possibility of reverter, that
 21 directly or indirectly limits the use or occupancy of real
 22 property on the basis of race, sex, including gender identity or



1 expression, sexual orientation, color, religion, marital status,
2 familial status, ancestry, disability, age, status as a victim
3 of domestic violence, or human immunodeficiency virus infection
4 is void, except a limitation, on the basis of religion, on the
5 use of real property held by a religious institution or
6 organization or by a religious or charitable organization
7 operated, supervised, or controlled by a religious institution
8 or organization, and used for religious or charitable purposes."

9 SECTION 6. Section 515-7, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§515-7 Blockbusting.** It is a discriminatory practice for
12 a person, representative of a person, or a real estate broker or
13 salesperson, for the purpose of inducing a real estate
14 transaction from which the person, representative, or real
15 estate broker or salesperson may benefit financially, because of
16 race, sex, including gender identity or expression, sexual
17 orientation, color, religion, marital status, familial status,
18 ancestry, disability, age, status as a victim of domestic
19 violence, or human immunodeficiency virus infection:

20 (1) To represent that a change has occurred or will or may
21 occur in the composition of the owners or occupants in



1 the block, neighborhood, or area in which the real
2 property is located; or
3 (2) To represent that this change will or may result in
4 the lowering of property values, an increase in
5 criminal or antisocial behavior, or a decline in the
6 quality of schools in the block, neighborhood, or area
7 in which the real property is located."

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

14 SECTION 8. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 9. This Act shall take effect on June 30, 2099.



Report Title:

Nondiscrimination; Housing; Domestic Violence Victim

Description:

Prohibits discrimination of domestic violence victims in real property transactions, specifically housing discrimination.
(HB469 HD1)

