

---

---

# 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 two new definitions to be appropriately  
14    inserted and to read as follows:

15           "Victim of domestic violence" includes:

16           (1) A person who was the victim of a felony or misdemeanor  
17           crime of violence committed by a current or former  
18           spouse of the victim, by a person with whom the victim



1 shares a child in common, or by a person who is  
2 cohabitating with or has cohabitated with the victim;

3 (2) A person who is the victim of stalking; or

4 (3) A person who has obtained a temporary restraining  
5 order or protective order pursuant to section 586-4 or  
6 586-5.5.

7 "Stalking" means engaging in a course of conduct directed  
8 at a specific person that would cause a reasonable person to  
9 fear for the person's safety or the safety of others or to  
10 suffer substantial emotional distress."

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

13 **"§515-3 Discriminatory practices.** It is a discriminatory  
14 practice for an owner or any other person engaging in a real  
15 estate transaction, or for a real estate broker or salesperson,  
16 because of race, sex, including gender identity or expression,  
17 sexual orientation, color, religion, marital status, familial  
18 status, ancestry, disability, age, domestic violence victim  
19 status, or human immunodeficiency virus infection:

20 (1) To refuse to engage in a real estate transaction with  
21 a person;



- 1           (2) To discriminate against a person in the terms,  
2           conditions, or privileges of a real estate transaction  
3           or in the furnishing of facilities or services in  
4           connection therewith;
- 5           (3) To refuse to receive or to fail to transmit a bona  
6           fide offer to engage in a real estate transaction from  
7           a person;
- 8           (4) To refuse to negotiate for a real estate transaction  
9           with a person;
- 10          (5) To represent to a person that real property is not  
11          available for inspection, sale, rental, or lease when  
12          in fact it is available, or to fail to bring a  
13          property listing to the person's attention, or to  
14          refuse to permit the person to inspect real property,  
15          or to steer a person seeking to engage in a real  
16          estate transaction;
- 17          (6) To print, circulate, post, or mail, or cause to be  
18          published a statement, advertisement, or sign, or to  
19          use a form of application for a real estate  
20          transaction, or to make a record or inquiry in  
21          connection with a prospective real estate transaction,  
22          that indicates, directly or indirectly, an intent to



1           make a limitation, specification, or discrimination  
2           with respect thereto;

3           (7) To offer, solicit, accept, use, or retain a listing of  
4           real property with the understanding that a person may  
5           be discriminated against in a real estate transaction  
6           or in the furnishing of facilities or services in  
7           connection therewith;

8           (8) To refuse to engage in a real estate transaction with  
9           a person or to deny equal opportunity to use and enjoy  
10          a housing accommodation due to a disability because  
11          the person uses the services of a guide dog, signal  
12          dog, or service animal; provided that reasonable  
13          restrictions or prohibitions may be imposed regarding  
14          excessive noise or other problems caused by those  
15          animals. For the purposes of this paragraph:

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

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

18                        "Guide dog" means any dog individually trained by  
19                        a licensed guide dog trainer for guiding a blind  
20                        person by means of a harness attached to the dog and a  
21                        rigid handle grasped by the person;



1           "Reasonable restriction" shall not include any  
2           restriction that allows any owner or person to refuse  
3           to negotiate or refuse to engage in a real estate  
4           transaction; provided that as used in this paragraph,  
5           the "reasonableness" of a restriction shall be  
6           examined by giving due consideration to the needs of a  
7           reasonable prudent person in the same or similar  
8           circumstances. Depending on the circumstances, a  
9           "reasonable restriction" may require the owner of the  
10          service animal, guide dog, or signal dog to comply  
11          with one or more of the following:

- 12          (A) Observe applicable laws including leash laws and  
13              pick-up laws;
- 14          (B) Assume responsibility for damage caused by the  
15              dog; or
- 16          (C) Have the housing unit cleaned upon vacating by  
17              fumigation, deodorizing, professional carpet  
18              cleaning, or other method appropriate under the  
19              circumstances.

20          The foregoing list is illustrative only, and neither  
21          exhaustive nor mandatory;



1           "Service animal" means any animal that is trained  
2 to provide those life activities limited by the  
3 disability of the person;

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

6       (9) To solicit or require as a condition of engaging in a  
7 real estate transaction that the buyer, renter, or  
8 lessee be tested for human immunodeficiency virus  
9 infection, the causative agent of acquired  
10 immunodeficiency syndrome;

11       (10) To refuse to permit, at the expense of a person with a  
12 disability, reasonable modifications to existing  
13 premises occupied or to be occupied by the person if  
14 modifications may be necessary to afford the person  
15 full enjoyment of the premises. A real estate broker  
16 or salesperson, where it is reasonable to do so, may  
17 condition permission for a modification on the person  
18 agreeing to restore the interior of the premises to  
19 the condition that existed before the modification,  
20 reasonable wear and tear excepted;

21       (11) To refuse to make reasonable accommodations in rules,  
22 policies, practices, or services, when the



1 accommodations may be necessary to afford a person  
2 with a disability equal opportunity to use and enjoy a  
3 housing accommodation;

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

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

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

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

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

20 (iii) All premises within covered multifamily  
21 housing accommodations contain an accessible  
22 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 (13) To discriminate against or deny a person access to, or  
9 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 such access, membership, or  
15 participation."

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

18 "**§515-5 Discriminatory financial practices.** It is a  
19 discriminatory practice for a person, a representative of such  
20 person, or a real estate broker or salesperson, to whom an  
21 inquiry or application is made for financial assistance in  
22 connection with a real estate transaction or for the



1 construction, rehabilitation, repair, maintenance, or  
2 improvement of real property, because of race, sex, including  
3 gender identity or expression, sexual orientation, color,  
4 religion, marital status, familial status, ancestry, disability,  
5 age, domestic violence victim status, or human immunodeficiency  
6 virus infection:

- 7 (1) To discriminate against the applicant;
- 8 (2) To use a form of application for financial assistance  
9 or to make or keep a record or inquiry in connection  
10 with applications for financial assistance that  
11 indicates, directly or indirectly, an intent to make a  
12 limitation, specification, or discrimination unless  
13 the records are required by federal law;
- 14 (3) To discriminate in the making or purchasing of loans  
15 or the provision of other financial assistance for  
16 purchasing, constructing, improving, repairing, or  
17 maintaining a dwelling, or the making or purchasing of  
18 loans or the provision of other financial assistance  
19 secured by residential real estate; or
- 20 (4) To discriminate in the selling, brokering, or  
21 appraising of residential real property."



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

3 "(a) Every provision in an oral agreement or a written  
4 instrument relating to real property that purports to forbid or  
5 restrict the conveyance, encumbrance, occupancy, or lease  
6 thereof to individuals because of race, sex, including gender  
7 identity or expression, sexual orientation, color, religion,  
8 marital status, familial status, ancestry, disability, age,  
9 domestic violence victim status, or human immunodeficiency virus  
10 infection, is void.

11 (b) Every condition, restriction, or prohibition,  
12 including a right of entry or possibility of reverter, that  
13 directly or indirectly limits the use or occupancy of real  
14 property on the basis of race, sex, including gender identity or  
15 expression, sexual orientation, color, religion, marital status,  
16 familial status, ancestry, disability, age, domestic violence  
17 victim status, or human immunodeficiency virus infection is  
18 void, except a limitation, on the basis of religion, on the use  
19 of real property held by a religious institution or organization  
20 or by a religious or charitable organization operated,  
21 supervised, or controlled by a religious institution or  
22 organization, and used for religious or charitable purposes."



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

3 "§515-7 **Blockbusting.** It is a discriminatory practice for  
4 a person, representative of a person, or a real estate broker or  
5 salesperson, for the purpose of inducing a real estate  
6 transaction from which the person, representative, or real  
7 estate broker or salesperson may benefit financially, because of  
8 race, sex, including gender identity or expression, sexual  
9 orientation, color, religion, marital status, familial status,  
10 ancestry, disability, age, domestic violence victim status, or  
11 human immunodeficiency virus infection:

12 (1) To represent that a change has occurred or will or may  
13 occur in the composition of the owners or occupants in  
14 the block, neighborhood, or area in which the real  
15 property is located; or

16 (2) To represent that this change will or may result in  
17 the lowering of property values, an increase in  
18 criminal or antisocial behavior, or a decline in the  
19 quality of schools in the block, neighborhood, or area  
20 in which the real property is located."

21 SECTION 7. If any provision of this Act, or the  
22 application thereof to any person or circumstance is held





**Report Title:**

Nondiscrimination; Housing; Domestic Violence Victim

**Description:**

Prohibits discrimination of domestic violence victims in real property transactions, specifically housing discrimination.

