

SB663

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TESTIMONY IN OPPOSITION TO SB663 -
Relating to Discrimination in Real Property Transactions

February 4, 2009 at 1:15 p.m.

The Legal Aid Society of Hawai'i ("Legal Aid") hereby provides testimony to the Committee on Education and Housing **opposing** SB663, Relating to Discrimination in Real Property Transactions, which narrows the scope of protection against discrimination in housing for families with hanai children.

Legal Aid is the largest non-profit, private legal services organization in the State. It is also home to the State's only private fair housing enforcement program. Since its inception, Legal Aid's fair housing program has assisted approximately 500 individuals and families affected by housing discrimination.

In 1992, the Hawai'i Legislature amended HRS chapter 515 to prohibit housing discrimination on the basis of "familial status". In doing so, the Legislature recognized the need to expand protection against unlawful housing discrimination to families with hanai children. By amending the law to cover minor children who are domiciled with a person with "written or unwritten permission from the legal parent," the Legislature expressly recognized the tradition of hanai adoptions in Hawai'i.

The proposed bill dismisses Hawai'i's long tradition of hanai adoption that is widely practiced today. For example, Legal Aid is currently representing three families who faced imminent eviction simply because the grandparents in each case adopted their grandchildren through the hanai custom. In keeping with hanai tradition, there was no legal documentation of those adoptions. Their landlord threatened to evict each of these families solely because the grandchildren had not been legally adopted. Fortunately, with Legal Aid's assistance and protection currently afforded by HRS chapter 515, those families remain in their housing.

Furthermore, the enactment of SB663 will have negative and unintended consequences on one of the protected classes that chapter 515 is designed to protect – children. Many hanai adoptions take place out of necessity for a child's safety and well being. This includes removing children from situations involving neglect, abandonment, abuse, and homelessness. This bill will negatively affect many children who would benefit from a hanai adoption – children who might otherwise be left without a safe and stable home.

Housing choices are already limited by the lack of available affordable housing and continuing barriers to equal opportunity housing. Giving landlords another reason to reject housing applicants or to evict tenants only exacerbates the problem. Any purported benefits to passing SB663 are heavily outweighed by the devastating consequences on the children and families who would be affected by the bill.

Based on the foregoing, Legal Aid strongly opposes SB663 and urges the members of the Committee on Education and Housing **vote against** SB663.

Thank you for this opportunity to testify.

Sincerely,

Jennifer La'a
Fair Housing Program Manager



BY EMAIL: EDHTestimony@Capitol.hawaii.gov

Committee: Committee on Education and Housing
Hearing Date/Time: Wednesday, February 4, 2009, 1:15 p.m.
Place: Conference Room 225
Re: Testimony of the ACLU of Hawaii in Opposition to S.B. 663, Relating to Discrimination in Real Property Transactions

Dear Chair Sakamoto and Members of the Committee on Education and Housing:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in opposition to S.B. 663, which seeks to amend the definition of “familial status” to specify that a non-parent individual cohabiting with any minor children must have evidence of legitimate consent of the children’s parent in order to qualify for “familial status” under the state housing laws.

Currently, H.R.S. § 515-2 applies the proper balance in allowing for written or unwritten permission by the child’s parent. In Hawaii, this balance supports our cultural tradition of hanai relationships and recognizes the difficulties that some non-parent individuals may have in securing written permission from a child’s parent. These families may often be most in need of assistance, for example, a grandparent taking care of a grandchild while the child’s parent is incarcerated on the mainland. These families are well-served by the current language in the statute. We urge you to support Hawaii’s most needy families by refusing to pass this bill.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
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ACLU of Hawaii

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