

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 456
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which
was referred S.B. No. 456 entitled:

"A BILL FOR AN ACT RELATING TO DISCRIMINATION,"

begs leave to report as follows:

The purpose of this measure is to prohibit discrimination
based on lawful source of income in housing transactions.

Your Committee received testimony in support of this measure
from U. S. Representative Neil Abercrombie, four members of the
Kauai County Council, Institute for Human Services, Legal Aid
Society of Hawaii, Malama Kauai, Kauai Fair Housing Law Coalition,
Kauai Food Bank, Agency on Elderly Affairs, and eighteen private
citizens. Testimony in opposition to this measure was received
from the Hawaii Public Housing Authority. Comments were received
from the Hawaii Civil Rights Commission and B.Y. Realty Management
and Sales. Written testimony presented to the Committee may be
reviewed on the Legislature's website.

Your Committee finds that discrimination exists against
persons who receive state or federal income assistance, such as
Social Security benefits, Temporary Aid to Needy Families, or
Section 8 housing vouchers. It is already very difficult for many
families and individuals to find safe, affordable rental housing
in many communities throughout the State. Discrimination makes an
already difficult situation worse. Your Committee finds that this
measure would prohibit discrimination based on lawful source of
income in housing transactions but would still allow a landlord or



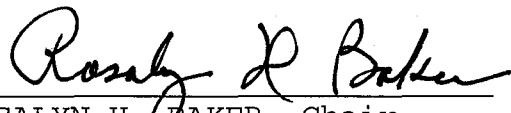
property manager to consider relevant characteristics of a renter such as ability to pay rent and prior rental history.

Your Committee recognizes the concerns of the Hawaii Civil Rights Commission that the Commission currently may not have the staff capacity to timely enforce the provisions of this measure and that the Commission's federal funding depends on complying with guidelines, such as claim processing time, established by the federal Department of Housing and Urban Development. Since it is not the intent of this measure to jeopardize the Commission's federal funding, Your Committee on Commerce and Consumer Protection recommends that the Committee on Judiciary and Government Operations investigate the legal issue of whether it would be more appropriate to include the provisions of this measure in a ban on discriminatory advertising rather than in the Fair Housing Act.

Your Committee has amended this measure by deferring its effective date to 2015 in order to encourage further discussion and to allow persons who are responsible for real estate transactions to update their forms and other written materials.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 456, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 456, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,


ROSALYN H. BAKER, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Commerce and Consumer Protection
CPN

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|---|--|--|-----|---------|
| Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 450</div> | Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">CPN, JAO</div> | Date: <div style="font-size: 1.2em; font-family: cursive;">02/13/09</div> | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div> | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| BAKER, Rosalyn H. (C) | ✓ | | | |
| IGE, David Y. (VC) | ✓ | | | |
| ESPERO, Will | ✓ | | | |
| GREEN, M.D., Josh | ✓ | | | |
| IHARA, Jr., Les | ✓ | | | |
| SAKAMOTO, Norman | ✓ | | | |
| HEMMINGS, Fred | ✓ | | | |
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| TOTAL | 7 | 0 | 0 | 0 |
| Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div> | | | | |
| Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">David Y. Ige</div> | | | | |
| Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div> | | | | |

*Only one measure per Record of Votes