STAND. COM. REP. NO. | 4 17

Honolulu, Hawaii

April 5 , 2011

RE: S.B. No. 1301

s.D. 1

H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1301, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FAIR HOUSING EXEMPTIONS,"

begs leave to report as follows:

The purpose of this bill is to make the exemptions under state fair housing laws for prohibited discriminatory practices consistent with similar exemptions found in the federal Fair Housing Act by:

- (1) Clarifying that owners in addition to lessors are not prohibited from employing certain discriminatory practices in real estate transactions if the owner or lessor resides in a housing accommodation, and the owner or lessor:
 - (A) Rents out the housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other; or
 - (B) Rents out a room or up to four rooms in the housing accommodation;

and

SB1301 HD1 HSCR JUD HMS 2011-3439

(2) Making it a discriminatory practice in a real estate transaction when a person or conspiring persons, including owners and lessors residing in specified units prints, circulates, posts, or mails a statement, advertisement or sign; uses an application form; or makes a record that indicates an intent to make a limitation, specification, or discriminate because of a specified status, including race, sexual orientation, familial status, or HIV status.

The Hawaii Civil Rights Commission testified in support of this measure.

Your Committee has amended this measure by making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1301, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1301, S.D. 1, H.D. 1.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

GILBERT KEITH-ACARAN, Chair

State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 1301501 Committee Referral: 1456, JVD Date: 3/29/11				
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: ☐ Pass, unamended (as is) ☐ Pass, with amendments (HD) ☐ Hold ☐ Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)	V			
2. RHOADS, Karl (VC)	~			
3. BROWER, Tom				
4. CABANILLA, Rida T.R.				
5. CARROLL, Mele			*Annual States	
6. HERKES, Robert N.	\			
7. ITO, Ken				
8. LUKE, Sylvia				
9. McKELVEY, Angus L.K.				
10. MORITA, Hermina M.				
11. OSHIRO, Blake K.	1		-	
12. SOUKI, Joseph M.	~			
13. TSUJI, Clift	_			
14. FONTAINE, George R.	١			
15. MARUMOTO, Barbara C.	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \			
16. THIELEN, Cynthia	\			
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TOTAL (16)	11	O	0	4
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				