
A BILL FOR AN ACT

RELATING TO DISCRIMINATION.

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

1 SECTION 1. The legislature finds that low-income
2 individuals have an extremely difficult time finding affordable
3 rentals in Hawaii. This situation is made more frustrating when
4 "no section 8 accepted" housing vacancy advertisements prevent
5 low-income individuals from being considered as renters.
6 Hawaii's laws currently do not prohibit discrimination based on
7 lawful source of income. However, a number of other states,
8 including California and Oregon, have prohibited this type of
9 income discrimination. Renters who participate in government
10 assistance programs, such as the federal Housing Choice Voucher
11 program, also known as section 8 housing, should have an equal
12 opportunity to find housing.

13 The purpose of this Act is to prohibit discrimination based
14 on lawful source of income in the rental of real estate,
15 including advertisements for available rental units.



1 SECTION 2. Chapter 521, Hawaii Revised Statutes, is
2 amended by adding four new sections to be appropriately
3 designated and to read as follows:

4 "§521- Discriminatory practices. (a) In addition to
5 the discriminatory practices provided in section 521-3, it is a
6 discriminatory practice for a person engaging in a rental
7 transaction pursuant to this chapter because of source of
8 income:

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



1 fact the premises are 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 premises, or to
4 steer a person away from seeking to engage in a rental
5 transaction;

6 (6) To offer, solicit, accept, use, or retain a listing of
7 premises with the understanding that a person may be
8 discriminated against in a rental transaction or in
9 the furnishing of facilities or services in connection
10 with a rental transaction; or

11 (7) To discriminate against or deny a person access to, or
12 membership or participation in any multiple listing
13 service, or other service, organization, or facility
14 involved either directly or indirectly in rental
15 transactions, or to discriminate against any person in
16 the terms or conditions of access, membership, or
17 participation.

18 (b) Nothing in this section shall be deemed to prohibit a
19 person from determining the ability of a potential renter to pay
20 rent by:



1 (1) Verifying, in a commercially reasonable manner, the
2 source and amount of income of the potential renter;

3 or

4 (2) Evaluating, in a commercially reasonable manner, the
5 stability, security, and credit worthiness of the
6 potential renter or any source of income of the
7 potential renter.

8 §521- Restrictive covenants and conditions. (a) Every
9 provision in an oral agreement or a written instrument relating
10 to premises that purports to forbid or restrict the occupancy or
11 lease thereof to individuals because of source of income is
12 void.

13 (b) Every condition, restriction, or prohibition,
14 including a right of entry or possibility of reverter, that
15 directly or indirectly limits the use or occupancy of premises
16 on the basis of source of income is void.

17 (c) It is a discriminatory practice to insert in a written
18 instrument relating to premises a provision that is void under
19 this section or to honor or attempt to honor such a provision in
20 the chain of title.



1 §521- Blockbusting. It is a discriminatory practice for
2 a person for the purpose of inducing a rental transaction from
3 which the person may benefit financially, because of source of
4 income:

- 5 (1) To represent that a change has occurred or will or may
6 occur in the composition of the owners or occupants in
7 the block, neighborhood, or area in which the premises
8 are located; or
- 9 (2) To represent that this change will or may result in
10 the lowering of property values, an increase in
11 criminal or antisocial behavior, or a decline in the
12 quality of schools in the block, neighborhood, or area
13 in which the premises are located.

14 §521- Other discriminatory practices. It is a
15 discriminatory practice for a person, or for two or more persons
16 to conspire:

- 17 (1) To retaliate, threaten, or discriminate against a
18 person because of the exercise or enjoyment of any
19 right granted or protected by this chapter, or because
20 the person has opposed a discriminatory practice, or
21 because the person has made a charge, filed a



- 1 complaint, testified, assisted, or participated in an
2 investigation, proceeding, or hearing under this
3 chapter;
- 4 (2) To aid, abet, incite, or coerce a person to engage in
5 a discriminatory practice;
- 6 (3) To interfere with any person in the exercise or
7 enjoyment of any right granted or protected by this
8 chapter or with the performance of a duty or the
9 exercise of a power by any person or agency charged
10 with enforcing this chapter;
- 11 (4) To obstruct or prevent a person from complying with
12 this chapter or an order issued pursuant to this
13 chapter;
- 14 (5) To intimidate or threaten any person engaging in
15 activities designed to make other persons aware of, or
16 encouraging other persons to exercise rights granted
17 or protected by this chapter;
- 18 (6) To threaten, intimidate, or interfere with persons in
19 their enjoyment of premises because of the source of
20 income of the persons, or of visitors or associates of
21 the persons; or



1 (7) To print, circulate, post, or mail, or cause to be
2 published a statement, advertisement, or sign, or to
3 use a form of application for a rental transaction, or
4 to make a record or inquiry in connection with a
5 prospective rental transaction, that indicates,
6 directly or indirectly, an intent to make a limitation
7 or specification, or to discriminate because of source
8 of income."

9 SECTION 3. Section 521-2, Hawaii Revised Statutes, is
10 amended by adding two new definitions to be appropriately
11 inserted and to read as follows:

12 "Rental transaction" means any part of a process or
13 transaction for the rental or lease of premises.

14 "Source of income" means any lawful source of money paid
15 directly or indirectly to a tenant or potential tenant,
16 including:

17 (1) Any lawful profession or occupation;

18 (2) Any government or private assistance, grant, loan, or
19 rental assistance program, including low-income
20 housing assistance certificates and vouchers under the
21 United States Housing Act of 1937, as amended; and



1 (3) Any gift, inheritance, pension, annuity, alimony,
2 child support, or other consideration or benefit."

3 SECTION 4. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 5. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Discrimination in Rental Transactions; Source of Income

Description:

Prohibits discrimination in the rental of real property based on lawful source of income. (HB25 HD1)

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