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# A BILL FOR AN ACT

RELATING TO RENTAL DISCRIMINATION.

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

1           SECTION 1. The legislature finds that low-income  
2 individuals experience extreme difficulty in finding affordable  
3 rentals in Hawaii, particularly when housing vacancy  
4 advertisements prevent low-income individuals with housing  
5 vouchers from being considered as tenants by stating "no Section  
6 8 accepted" or "Section 8 need not apply." Local and national  
7 news reports have documented that landlords often reject  
8 prospective tenants based on their use of housing vouchers or  
9 other forms of housing assistance, or the requirements  
10 associated with the prospective tenants' participation in a  
11 housing program.

12           The legislature further finds that studies have shown that  
13 renters with housing vouchers are twelve per cent more likely to  
14 find housing when laws prohibit discrimination against voucher  
15 holders and recipients of other housing assistance programs,  
16 also known as "source of income discrimination." Source of  
17 income discrimination is prohibited in twelve states, the



1 District of Columbia, and numerous cities and counties  
2 throughout the United States. Further, the American Bar  
3 Association adopted a resolution in 2017 calling for enactment  
4 of laws that ban housing discrimination based on lawful sources  
5 of income. Hawaii law currently does not prohibit housing  
6 discrimination based on lawful sources of income.

7 The legislature notes that laws prohibiting source of  
8 income discrimination do not restrict standard industry  
9 practices to vet prospective renters. Rather, these laws  
10 prohibit landlords from rejecting prospective renters simply  
11 because the renter receives housing vouchers or other housing  
12 assistance. Renters who participate in housing assistance  
13 programs, such as the federal housing choice voucher program,  
14 also known as Section 8 Housing, should have an equal  
15 opportunity to find housing.

16 The purpose of this Act is to prohibit discrimination,  
17 including in advertisements for available rental units, based on  
18 receipt of income from a housing assistance program, or  
19 requirements related to participation in housing assistance  
20 programs, in rental transactions and requirements.



1 SECTION 2. Section 515-2, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4 "Housing assistance program" means any government or  
5 private assistance, grant, loan, or rental assistance program,  
6 including low-income housing assistance certificates and  
7 vouchers under the United States Housing Act of 1937, as  
8 amended."

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

11 **"§515-3 Discriminatory practices.** It is a discriminatory  
12 practice for an owner or any other person engaging in a real  
13 estate transaction, or for a real estate broker or salesperson,  
14 because of race, sex, including gender identity or expression,  
15 sexual orientation, color, religion, marital status, familial  
16 status, ancestry, disability, age, participation in a housing  
17 assistance program or requirements related to participation in a  
18 housing assistance program, or human immunodeficiency virus  
19 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 with a real estate transaction;
- 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 offer, solicit, accept, use, or retain a listing of  
18          real property with the understanding that a person may  
19          be discriminated against in a real estate transaction  
20          or in the furnishing of facilities or services in  
21          connection with a real estate transaction;



1    [+] (7) [+] To solicit or require as a condition of engaging in a  
2            real estate transaction that the buyer, renter, or  
3            lessee be tested for human immunodeficiency virus  
4            infection, the causative agent of acquired  
5            immunodeficiency syndrome;

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

16   [+] (9) [+] To refuse to make reasonable accommodations in rules,  
17           policies, practices, or services, when the  
18           accommodations may be necessary to afford a person  
19           with a disability equal opportunity to use and enjoy a  
20           housing accommodation; provided that if reasonable



1 accommodations include the use of an animal,  
 2 reasonable restrictions may be imposed;  
 3 ~~[(10)]~~ In connection with the design and construction of  
 4 covered multifamily housing accommodations for first  
 5 occupancy after March 13, 1991, to fail to design and  
 6 construct housing accommodations in such a manner  
 7 that:

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

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

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

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

19 (iii) All premises within covered multifamily  
 20 housing accommodations contain an accessible  
 21 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 [+] (11) [+] 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 access, membership, or participation."

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

17 "§515-4 Exemptions. (a) Section 515-3 does not apply:

18 (1) To the rental of a housing accommodation in a building  
19 which contains housing accommodations for not more  
20 than two families living independently of each other



1 if the owner or lessor resides in one of the housing  
2 accommodations; or

3 (2) To the rental of a room or up to four rooms in a  
4 housing accommodation by an owner or lessor if the  
5 owner or lessor resides in the housing accommodation.

6 (b) Nothing in section 515-3 shall be deemed to prohibit  
7 refusal, because of sex, including gender identity or  
8 expression, sexual orientation, or marital status, to rent or  
9 lease housing accommodations:

10 (1) Owned or operated by a religious institution and used  
11 for church purposes as that term is used in applying  
12 exemptions for real property taxes; or

13 (2) Which are part of a religiously affiliated institution  
14 of higher education housing program which is operated  
15 on property that the institution owns or controls, or  
16 which is operated for its students pursuant to Title  
17 IX of the Higher Education Act of 1972.

18 (c) Nothing in this chapter regarding familial status or  
19 age shall apply to housing for older persons as defined by title  
20 42 United States Code section 3607(b)(2).





1        (d) Nothing in section 515-3 shall be deemed to prohibit a  
2 person from determining the ability of a potential buyer or  
3 renter to pay a purchase price or rent by:

4        (1) Verifying, in a commercially reasonable manner, the  
5 source and amount of income of the potential buyer or  
6 renter; or

7        (2) Evaluating, in a commercially reasonable manner, the  
8 stability, security, and credit worthiness of the  
9 potential buyer or renter or any source of income of  
10 the potential buyer or renter."

11        SECTION 5. Section 515-5, Hawaii Revised Statutes, is  
12 amended to read as follows:

13        **"§515-5 Discriminatory financial practices.** It is a  
14 discriminatory practice for a person, a representative of such  
15 person, or a real estate broker or salesperson, to whom an  
16 inquiry or application is made for financial assistance in  
17 connection with a real estate transaction or for the  
18 construction, rehabilitation, repair, maintenance, or  
19 improvement of real property, because of race, sex, including  
20 gender identity or expression, sexual orientation, color,  
21 religion, marital status, familial status, ancestry, disability,



1 age, participation in a housing assistance program or  
2 requirements related to participation in a housing assistance  
3 program, or human immunodeficiency virus infection:

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

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



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

10           (b) Every condition, restriction, or prohibition,  
11 including a right of entry or possibility of reverter, that  
12 directly or indirectly limits the use or occupancy of real  
13 property on the basis of race, sex, including gender identity or  
14 expression, sexual orientation, color, religion, marital status,  
15 familial status, ancestry, disability, age, participation in a  
16 housing assistance program or requirements related to  
17 participation in a housing assistance program, or human  
18 immunodeficiency virus infection is void, except a limitation,  
19 on the basis of religion, on the use of real property held by a  
20 religious institution or organization or by a religious or  
21 charitable organization operated, supervised, or controlled by a



1 religious institution or organization, and used for religious or  
2 charitable purposes."

3 SECTION 7. Section 515-7, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§515-7 **Blockbusting**. It is a discriminatory practice for  
6 a person, representative of a person, or a real estate broker or  
7 salesperson, for the purpose of inducing a real estate  
8 transaction from which the person, representative, or real  
9 estate broker or salesperson may benefit financially, because of  
10 race, sex, including gender identity or expression, sexual  
11 orientation, color, religion, marital status, familial status,  
12 ancestry, disability, age, participation in a housing assistance  
13 program or requirements related to participation in a housing  
14 assistance program, or human immunodeficiency virus infection:

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

19 (2) To represent that this change will or may result in  
20 the lowering of property values, an increase in  
21 criminal or antisocial behavior, or a decline in the



1           quality of schools in the block, neighborhood, or area  
2           in which the real property is located."

3           SECTION 8. Section 515-16, Hawaii Revised Statutes, is  
4 amended to read as follows:

5           "**§515-16 Other discriminatory practices.** It is a  
6 discriminatory practice for a person, or for two or more persons  
7 to conspire:

8           (1) To retaliate, threaten, or discriminate against a  
9 person because of the exercise or enjoyment of any  
10 right granted or protected by this chapter, or because  
11 the person has opposed a discriminatory practice, or  
12 because the person has made a charge, filed a  
13 complaint, testified, assisted, or participated in an  
14 investigation, proceeding, or hearing under this  
15 chapter;

16           (2) To aid, abet, incite, or coerce a person to engage in  
17 a discriminatory practice;

18           (3) To interfere with any person in the exercise or  
19 enjoyment of any right granted or protected by this  
20 chapter or with the performance of a duty or the  
21 exercise of a power by the commission;



- 1 (4) To obstruct or prevent a person from complying with  
2 this chapter or an order issued pursuant to this  
3 chapter;
- 4 (5) To intimidate or threaten any person engaging in  
5 activities designed to make other persons aware of, or  
6 encouraging such other persons to exercise rights  
7 granted or protected by this chapter;
- 8 (6) To threaten, intimidate or interfere with persons in  
9 their enjoyment of a housing accommodation because of  
10 the race, sex, including gender identity or  
11 expression, sexual orientation, color, religion,  
12 marital status, familial status, ancestry, disability,  
13 age, participation in a housing assistance program or  
14 requirements related to participation in a housing  
15 assistance program, or human immunodeficiency virus  
16 infection of the persons, or of visitors or associates  
17 of the persons; or
- 18 (7) To print, circulate, post, or mail, or cause to be  
19 published a statement, advertisement, or sign, or to  
20 use a form of application for a real estate  
21 transaction, or to make a record or inquiry in



1 connection with a prospective real estate transaction,  
 2 that indicates, directly or indirectly, an intent to  
 3 make a limitation or specification, or to discriminate  
 4 because of race, sex, including gender identity or  
 5 expression, sexual orientation, color, religion,  
 6 marital status, familial status, ancestry, disability,  
 7 age, participation in a housing assistance program or  
 8 requirements related to participation in a housing  
 9 assistance program, or human immunodeficiency virus  
 10 infection."

11 SECTION 9. The department of commerce and consumer  
 12 affairs, in consultation with the Hawai'i civil rights  
 13 commission, shall produce materials related to this Act and  
 14 publicize the prohibition against discrimination based on  
 15 participation in housing assistance programs or requirements  
 16 related to participation in housing assistance programs.

17 SECTION 10. This Act does not affect rights and duties  
 18 that matured, penalties that were incurred, and proceedings that  
 19 were begun before its effective date.



1 SECTION 11. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 12. This Act shall take effect on January 1, 2050.





**Report Title:**

Rental Discrimination; Housing Assistance Program

**Description:**

Prohibits housing discrimination in rental transactions, including in advertisements for available rental units, on the basis of a renter's participation in a housing assistance program or the requirements of a housing assistance program.  
(HB1244 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

