

JAN 21 2022

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# A BILL FOR AN ACT

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RELATING TO RENTAL DISCRIMINATION.

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

1       SECTION 1. The Hawaii Revised Statutes is amended by  
2       adding a new chapter to be appropriately designated and to read  
3       as follows:

4                               **"CHAPTER**

5                               **RENTAL DISCRIMINATION BASED ON SOURCE OF INCOME**

6       §   -1   **Definitions.** As used in this chapter, unless the  
7       context clearly requires otherwise:

8       "Housing assistance program" means a section 8 housing  
9       choice voucher program or any permanent supportive housing  
10      program.

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

13      §   -2   **Discriminatory practices in a rental transaction**  
14      **based on source of income.** (a) It shall be a discriminatory  
15      practice for a landlord to:

16              (1) Indicate in any manner used to advertise the  
17              availability of a rental property that the landlord



1 will not rent a property to a person participating in  
2 a housing assistance program;

3 (2) Discourage in any manner a person from seeking to  
4 engage in a rental transaction based on the person's  
5 participation in a housing assistance program;

6 (3) Refuse to engage in a rental transaction with a person  
7 because of the person's participation in a housing  
8 assistance program or requirements related to  
9 participation in a housing assistance program; or

10 (4) Require rental conditions that are different from  
11 those required for a person not participating in a  
12 housing assistance program.

13 (b) Nothing in this section shall be deemed to prohibit a  
14 landlord from determining in a commercially reasonable manner  
15 the ability of a potential tenant to pay rent by:

16 (1) Verifying the source and amount of income of the  
17 potential tenant; or

18 (2) Evaluating the stability, security, and  
19 creditworthiness of the potential tenant or any source  
20 of income of the potential tenant.



1           §   -3 Remedies. (a) Any individual claiming to be  
2 aggrieved by an alleged unlawful discriminatory practice by a  
3 landlord may bring a civil action in district court within one  
4 year of the occurrence of the alleged violation for appropriate  
5 injunctive relief and damages.

6           (b) In an action brought pursuant to subsection (a), a  
7 district court may issue an injunction to enjoin a violation of  
8 this chapter. If the court issues an injunction, the court may  
9 also award damages not to exceed \$2,500 to the person bringing  
10 the action, and reasonable attorney's fees and costs incurred in  
11 the civil action."

12           SECTION 2. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15           SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



# S.B. NO. 2902

**Report Title:**

Permanent Supporting Housing; Source of Income; Rental Discrimination; Prohibited Practices; Housing Assistance Program; Section 8 Housing Choice Vouchers

**Description:**

Prohibits discrimination, including in advertisements for rental property, in rental transactions based on participation in a section 8 housing choice program or any permanent supportive housing program or requirements related to participation in these housing assistance programs.

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

