
A BILL FOR AN ACT

RELATING TO HOUSING DISCRIMINATION.

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

1 SECTION 1. The legislature finds that the federal housing
2 choice voucher program, also known as section 8 of the United
3 States Housing Act of 1937, as amended, provides
4 federally-funded, tenant-based vouchers to low-income
5 households. Once a household receives a section 8 voucher, the
6 challenge is finding a landlord who is willing to accept the
7 voucher. Federal law does not require landlords to accept
8 housing choice vouchers as a form of payment for rent. Refusal
9 to rent to voucher holders is a practice known as source of
10 income discrimination, which disproportionately affects renters
11 of color, renters with disabilities, elderly renters, and women.
12 While the Fair Housing Act protects these groups from
13 discrimination based on their identities, it does not protect
14 them from source of income discrimination.

15 To protect renters with housing assistance vouchers, the
16 legislature passed Act 310, Session Laws of Hawaii 2022, which
17 prohibits source of income discrimination in rental transactions



1 and imposes civil penalties on a landlord who commits a source
2 of income discriminatory practice. The legislature finds that
3 the Hawaii civil rights commission is tasked with receiving,
4 investigating, and conciliating complaints alleging any unlawful
5 discriminatory practice based on discrimination, including
6 discrimination in housing; however, source of income
7 discrimination is not currently included. The legislature
8 believes that source of income discrimination should be added to
9 the commission's scope of enforcement.

10 Accordingly, the purpose of this Act is to authorize the
11 Hawaii civil rights commission to prosecute discrimination based
12 on source of income in housing cases.

13 SECTION 2. Section 368-3, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§368-3 Powers and functions of commission.** The
16 commission shall have the following powers and functions:

17 (1) To receive, investigate, and conciliate complaints
18 alleging any unlawful discriminatory practice under
19 part I of chapter 489, chapter 515, [~~and~~] part I of
20 chapter 378, and chapter 368F, and complaints filed
21 under this chapter, and conduct proceedings on



- 1 complaints alleging unlawful practices where
2 conciliatory efforts are inappropriate or
3 unsuccessful;
- 4 (2) To hold hearings and make inquiries, as it deems
5 necessary, to carry out properly its functions and
6 powers, and for the purpose of these hearings and
7 inquiries, to administer oaths and affirmations,
8 conduct depositions, compel the attendance of parties
9 and witnesses and the production of documents by the
10 issuance of subpoenas, examine parties and witnesses
11 under oath, require answers to interrogatories, and
12 delegate these powers to any member of the commission
13 or any person appointed by the commission for the
14 performance of its functions;
- 15 (3) To commence civil action in circuit court to seek
16 appropriate relief, including the enforcement of any
17 commission order, conciliation agreement, or
18 predetermination settlement;
- 19 (4) To issue the right to sue to a complainant;
- 20 (5) To order appropriate legal and equitable relief or
21 affirmative action when a violation is found;



- 1 (6) To issue publications and results of investigations
2 and research that, in its judgment, will tend to
3 promote goodwill and minimize or eliminate
4 discrimination in employment, housing, and public
5 accommodations;
- 6 (7) To submit annually to the governor and the legislature
7 a written report of its activities and recommendations
8 for administrative or statutory changes required to
9 further the purposes of this chapter;
- 10 (8) To appoint an executive director, deputy executive
11 director, attorneys, and hearings examiners who shall
12 be exempt from chapter 76, and investigators and other
13 necessary support personnel who shall be subject to
14 chapter 76. Section 28-8.3 notwithstanding, an
15 attorney employed by the commission as a full-time
16 staff member may represent the commission in
17 litigation, draft legal documents for the commission,
18 provide other necessary legal services to the
19 commission, and shall not be deemed to be a deputy
20 attorney general; and
- 21 (9) To adopt rules under chapter 91."



1 SECTION 3. Section 368-17, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§368-17 Remedies.** (a) The remedies ordered by the
4 commission or the court under this chapter may include
5 compensatory and punitive damages and legal and equitable
6 relief, including, but not limited to:

7 (1) Hiring, reinstatement, or upgrading of employees with
8 or without back pay;

9 (2) Admission or restoration of individuals to labor
10 organization membership, admission to or participation
11 in a guidance program, apprenticeship training
12 program, on-the-job training program, or other
13 occupational training or retraining program, with the
14 utilization of objective criteria in the admission of
15 persons to those programs;

16 (3) Admission of persons to a public accommodation or an
17 educational institution;

18 (4) Sale, exchange, lease, rental, assignment, or sublease
19 of real property to a person;

20 (5) Extension to all persons of the full and equal
21 enjoyment of the goods, services, facilities,



- 1 privileges, advantages, or accommodations of the
2 respondent;
- 3 (6) Reporting as to the manner of compliance;
- 4 (7) Requiring the posting of notices in a conspicuous
5 place that the commission may publish or cause to be
6 published setting forth requirements for compliance
7 with civil rights law or other relevant information
8 that the commission determines necessary to explain
9 those laws;
- 10 (8) Payment to the complainant of damages for an injury or
11 loss caused by a violation of part I of chapter 489,
12 chapter 515, part I of chapter 378, or this chapter,
13 including a reasonable attorney's fee;
- 14 (9) Payment to the complainant of all or a portion of the
15 costs of maintaining the action before the commission,
16 including reasonable attorney's fees and expert
17 witness fees, when the commission determines that
18 award to be appropriate; and
- 19 (10) Other relief the commission or the court deems
20 appropriate.



1 (b) Section 386-5 notwithstanding, a workers' compensation
2 claim or remedy does not bar relief on complaints filed with the
3 commission.

4 (c) Notwithstanding subsections (a) and (b), the
5 commission may:

6 (1) Subject a landlord that violates the provisions of
7 chapter 368F to a civil penalty in an amount not to
8 exceed \$2,000 if determined by the commission to have
9 violated chapter 368F for the first time within one
10 year of the occurrence of the alleged violation;

11 (2) Impose a \$2,500 penalty against a landlord for any
12 subsequent violation; and

13 (3) Order any injunctive or other equitable relief as it
14 deems proper;

15 provided that no landlord shall be fined more than once for the
16 same violation under this section; provided further that no
17 party shall be awarded attorneys' fees or costs in any action
18 under this subsection.

19 All fines collected under this subsection shall be
20 deposited into the general fund."



1 SECTION 4. Section 368F-4, Hawaii Revised Statutes, is
2 repealed.

3 ~~["**[§368F-4] Remedies.** (a) A landlord that violates any~~
4 ~~provisions of this chapter may be subject to a civil penalty in~~
5 ~~an amount not to exceed \$2,000 if determined by the court to~~
6 ~~have violated this chapter for the first time within one year of~~
7 ~~the occurrence of the alleged violation.~~

8 ~~(b) The court may impose a \$2,500 penalty against a~~
9 ~~landlord for any subsequent violation of this chapter by the~~
10 ~~landlord.~~

11 ~~(c) The court may also order any injunctive or other~~
12 ~~equitable relief as it deems proper.~~

13 ~~(d) No landlord shall be fined more than once for the same~~
14 ~~violation under this section.~~

15 ~~(e) No party shall be awarded attorney's fees or costs in~~
16 ~~any action under this section.~~

17 ~~(f) All fines collected under this section shall be~~
18 ~~deposited into [the] general fund."]~~

19 SECTION 5. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2026-2027 for



1 the establishment of one full-time equivalent (1.0 FTE) housing
2 discrimination investigator position.

3 The sum appropriated shall be expended by the Hawaii civil
4 rights commission for the purposes of this Act.

5 SECTION 6. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 7. This Act shall take effect upon its approval;
8 provided that section 5 shall take effect on July 1, 2026.



S.B. NO. 2210
S.D. 1

Report Title:

HCRC; Discrimination; Source of Income; Prohibited; Penalties;
Position; Appropriation

Description:

Allows the Hawaii Civil Rights Commission to prosecute
discrimination based on source of income in housing cases.
Clarifies penalties. Establishes a position. Appropriates
funds. (SD1)

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not legislation or evidence of legislative intent.*

