



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KĪWILA O HAWAI‘I

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

DATE: Wednesday, February 18, 2026
TIME: 9:30 AM
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

To:

[COMMITTEE ON COMMERCE AND CONSUMER PROTECTION](#)

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

From: Alphonso Braggs, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: SB 2209 Relating to Discrimination
Testimony in SUPPORT

The Hawai‘i Civil Rights Commission (HCRC) carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5. HCRC has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment (Chapter 378, Part I, HRS), housing (Chapter 515, HRS), public accommodations (Chapter 489, HRS), and access to state and state-funded services (HRS § 368-1.5).

In recent years the Legislature has expanded Hawai‘i law to establish legal protections for individuals suffering from discrimination in a rental transaction based on source of income. The current law allows for a person to file a private right of action based on source of income discrimination but specifies that no party may be awarded attorneys' fees or costs. The lack of a potential award of attorneys' fees or costs greatly reduces the likelihood that an attorney will agree to represent a party in these types of cases, often resulting in the very difficult prospect of self-representation in court.

SB2209 would remedy this situation by amending Section 368F-4 to explicitly allow a court to award attorneys' fees or costs to the prevailing party in an action relating to discriminatory practices in a rental transaction based on source of income. The increased willingness of attorneys to represent parties in these cases will significantly help to actually effectuate the will of the Legislature in providing the public with legal protections against source of income discrimination in the housing arena.

For these reasons, the HCRC urges the Committee to pass SB2209.