



HAWAI‘I CIVIL RIGHTS COMMISSION **KOMIKINA PONO KIWILA O HAWAI‘I**

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

Wednesday, April 22, 2026 3:00 p.m.
Conference Room 430 & Videoconference
State Capitol, 415 South Beretania Street

To:

[COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS](#)

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

From: Marcus L. Kawatachi, Executive Director of the Hawai‘i Civil Rights Commission
and HCRC Staff

Re: SCR184 & Companion HCR192/HR182

HCRC Staff Comments

While the Commission has not yet had the opportunity to meet and take an official position on SCR184/HCR192/HR182, the Hawai‘i Civil Rights Commission (HCRC) staff provides following comments:

SCR184 would require the HCRC to examine the applicability of existing state anti-discrimination laws to algorithmic and automated decision systems by (1) assessing existing state laws with regard to algorithmic and automated decision making; (2) identifying potential jurisdictional or evidentiary challenges; (3) evaluating whether guidance or rulemaking will assist individuals and entities in understanding obligations and rights; (4) consideration of complaint pathways under existing state law; and (5) recommendations for legislative action.

SCR184 would require the HCRC to submit a report of its findings to the legislature prior to the convening of the Regular Session of 2027.

As background, the 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).

As technological advances increase and as technology increasingly becomes an essential part of every day life for many individuals and industries, looking critically at how artificial intelligence and algorithmic and automated decisionmaking is being used currently and will be used in the foreseeable future becomes necessary. Algorithmic or automated systems that are used to screen out applicants for housing or employment may superficially appear to take the human bias or discriminatory motive out of the decisionmaking process. However, research has shown these systems may continue or exacerbate historic discriminatory practices, as learning models use existing information (that may be based on past discriminatory practices) in its recommendations.¹

A few jurisdictions and states have recently enacted or introduced laws to regulate and combat algorithmic discrimination, including Colorado, California, and New York City (regulating

¹ Ghasemaghaei, Maryam, and Nima Kordzadeh, *Understanding how algorithmic injustice leads to making discriminatory decisions: An obedience to authority perspective*, Science Direct, <https://www.sciencedirect.com/science/article/pii/S037872062400003X>, last accessed on March 30, 2026.

Sombetzki, Pia, *How and Why Algorithms Discriminate*, Algorithm Watch, <https://algorithmwatch.org/en/how-and-why-algorithms-discriminate/>, last accessed on March 30, 2026.

artificial intelligence (AI) discrimination in the workplace).² With the increasing reliance upon AI in our society and the increasing integration of algorithmic decisionmaking in industries, it is extremely likely that more states and local jurisdictions will seek to regulate this industry.

SCR184 is incredibly timely in this regard. It is highly unlikely that AI and algorithmic decisionmaking will disappear from society. This concurrent resolution addresses the reality that algorithmic decisionmaking will continue to be a part of decisions made in employment, housing, and other areas in life, and requires the HCRC to take a critical look at existing law and anticipate problems before they arise.

The HCRC is the agency that is tasked to handle these types of discriminatory complaints in employment, housing, public accommodations, and access to state and state-funded activities. While all cases are fact-specific, the HCRC would currently take complaints alleging discriminatory practices by AI or algorithmic decisionmaking systems that fall under our jurisdiction. The HCRC staff believes that the report that will be generated from this concurrent resolution will provide critical insight into the sufficiency of existing state law in handling algorithmic discrimination, and whether future legislation may be necessary.

Mahalo for the opportunity to provide these comments.

² States Passing Laws to Prevent AI Discrimination in Workplace, March 25, 2025, LexisNexis, <https://www.lexisnexis.com/community/insights/legal/capitol-journal/b/state-net/posts/states-passing-laws-to-prevent-ai-discrimination-in-workplace>, last accessed on March 30, 2026.



www.AlohaILHawaii.org

Apr 22, 2026

MISSION

Aloha Independent Living Hawaii (AILH) dedicated to providing independent living programs and services for persons with disabilities in Hawaii.

We work together with the community and consumers to improve the quality of life through individual choices and access to services.

EXECUTIVE DIRECTOR

Roxanne U. Bolden

BOARD OF DIRECTORS

Chair / Sec

Valerie Yamada

Vice Chair

Zora Shove

Treasurer

Jonathan Yap

Member

Scott Suzuki
Sheila Castaneda
Jennifer Hartsock

The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs
The Thirty-Third Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

SUBJECT: SCR184 – Requesting the Hawaii Civil Rights Commission to Examine the Applicability of Existing State Anti-Discrimination Laws to Algorithmic and Automated Decision Systems.

Chair and Members of the Committee:

Aloha Independent Living Hawaii (AILH) is a cross-disability, community-based nonprofit Center for Independent Living that supports people with disabilities to live in the community of their choice across Hawaii. AILH **strongly supports SCR184.**

SCR184 recognizes that algorithmic and automated decision systems, including artificial intelligence tools, are increasingly used in employment screening, tenant selection, credit determinations, and public benefits eligibility determinations—areas that are traditionally protected by anti-discrimination laws. Disabled people in Hawaii are directly affected in all of these systems, often in ways that can determine whether they can secure or maintain housing, income, and access to state and county services.

Research and national experience show that algorithmic systems can replicate or amplify discrimination when they are built on biased data, use opaque modeling practices, or lack sufficient oversight. For disabled people, this can mean that natural-seeming rules end up penalizing disability-related patterns—such as gaps in employment, higher health-care utilization, prior institutionalization, or histories of homelessness or



www.AlohaILHawaii.org

MISSION

Aloha Independent Living Hawaii (AILH) dedicated to providing independent living programs and services for persons with disabilities in Hawaii.

We work together with the community and consumers to improve the quality of life through individual choices and access to services.

EXECUTIVE DIRECTOR

Roxanne U. Bolden

BOARD OF DIRECTORS

Chair / Sec

Valerie Yamada

Vice Chair

Zora Shove

Treasurer

Jonathan Yap

Member

Scott Suzuki
Sheila Castaneda
Jennifer Hartsock

incarceration—without any opportunity for meaningful explanation or accommodation.

SCR184 appropriately directs the Hawaii Civil Rights Commission to examine whether existing state law provides sufficient authority to investigate and remedy discrimination arising from algorithmic or automated systems, to identify jurisdictional and evidentiary challenges, and to consider guidance, rulemaking, and complaint pathways under current law. This work is critical so that people with disabilities and other protected groups can actually enforce their rights, even when discrimination is embedded in code rather than an individual decision-maker.

From an Independent Living perspective, effective civil rights protections in employment, housing, public accommodations, credit, and access to state and county services are essential to prevent unnecessary institutionalization and to support real choice and control in the community. Ensuring that those protections remain effective as technologies evolve, as this resolution states, is vital for public confidence in government and for the safety and stability of disabled people and their families.

We respectfully urge the Committee to pass SCR184 and to support a robust, disability-inclusive examination by the Hawaii Civil Rights Commission, including strong engagement with cross-disability stakeholders and consumers with lived experience of automated systems.

Thank you for the opportunity to testify.

Mahalo,

Roxanne Bolden
Executive Director