

ACT 159

S.B. NO. 2739-76

A Bill for an Act Relating to Discrimination Against the Physically Handicapped.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 171-64, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 171-64 Covenants against discrimination. The board of land and natural resources shall provide in every patent, deed, lease, agreement, license, or permit that the use and enjoyment of the premises being granted shall not be in support of any policy which discriminates against anyone based upon race, creed, color, national origin, or a physical handicap. The board shall not dispose of any public land to any person who practices discrimination based upon race, creed, color, national origin, or a physical handicap. As used in this section “physical handicap” means a physical impairment which substantially limits one or more of a person’s major life activities.”

SECTION 2. Section 304-1, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 304-1 Establishment; available to all. There shall be a University of Hawaii which shall consist of such colleges and departments as may from time to time be established.

No person shall, because of sex, color, nationality, or a physical handicap, be deprived of the privileges of this institution. As used in this section “physical handicap” means a physical impairment which substantially limits one or more of a person’s major life activities.”

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

“(7)“Physical handicap” means a physical impairment which substantially limits one or more of a person’s major life activities.”

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

“Sec. 515-3 Discriminatory practices. It is a discriminatory practice for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of race, sex, color, religion, marital status, ancestry, or a physical handicap:

- (1) To refuse to engage in a real estate transaction with a person;
- (2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (4) To refuse to negotiate for a real estate transaction with a person;
- (5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring

a property listing to his attention, or to refuse to permit him to inspect real property;

- (6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto; or
- (7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith."

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

"Sec. 515-5 Discriminatory financial practices. It is a discriminatory practice for a person to whom application is made for financial assistance in connection with a real estate transaction or for the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of such a person:

- (1) To discriminate against the applicant because of race, sex, color, religion, ancestry, or a physical handicap;
- (2) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination as to race, sex, color, religion, ancestry, or a physical handicap."

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

"(a) Every provision in an oral agreement or a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, sex, color, religion, ancestry, or with a physical handicap is void.

(b) Every condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, sex, color, religion, ancestry, or a physical handicap, is void, except a limitation of use on the basis of religion or sex of real property held by a religious institution or organization or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, and used for religious or charitable purpose."

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

"Sec. 515-7 Blockbusting. It is a discriminatory practice for a person, for the purpose of inducing a real estate transaction from which he may benefit financially:

- (1) To represent that a change has occurred or will or may occur in the composition with respect to race, sex, color, religion, ancestry, or a

- physical handicap of the owners or occupants in the block, neighborhood, or area in which the real property is located, or
- (2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.”

SECTION 8. Section 516-62, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 516-62 Discrimination.** No person shall be denied the right to become a lessee of a residential lot, because of his race, religion, sex, ancestry, or a physical handicap.”

SECTION 9. Section 612-2, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 612-2 Prohibition of discrimination.** A citizen shall not be excluded from jury service in this State on account of race, color, religion, sex, national origin, economic status, or on account of a physical handicap except as provided in section 612-4(3).”

SECTION 10. Section 612-3, Hawaii Revised Statutes, is amended by adding a new definition to read:

“(5)“Physical handicap” means a physical impairment which substantially limits one or more of a person’s major life activities.”

SECTION 11. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 12. This Act shall take effect upon its approval.

(Approved May 27, 1976.)

*Edited accordingly.