### A BILL FOR AN ACT

RELATING TO REAL PROPERTY TRANSACTIONS.

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

1 SECTION 1. The purpose of this Act is to prohibit 2 discriminatory practices in real property transactions, 3 specifically housing transactions, because of one's status as a victim of domestic violence. Recent amendments to the federal 4 Violence Against Women Act of 1998 expressly prohibit federally-5 6 funded public housing agencies from terminating a lease due to incidents or threats of domestic violence, dating violence, or 7 stalking. The legislature finds that these protections should 8 9 be extended to victims of domestic violence in all real property transactions, as victims of domestic violence are most likely to 10 be seeking new housing due to domestic violence. 11 12 SECTION 2. Section 515-2, Hawaii Revised Statutes, is 13 amended by adding two new definitions to be appropriately inserted and to read as follows: 14 "Victim of domestic violence" includes: 15 16 (1) A person who was the victim of a felony or misdemeanor 17 crime of violence committed by a current or former 18 spouse of the victim, by a person with whom the victim



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1	shares a child in common, or by a person who is		
2	cohabitating with or has cohabitated with the victim;		
3	(2) A person who is the victim of stalking; or		
4	(3) A person who has obtained a temporary restraining		
5	order or protective order pursuant to section 586-4 or		
6	586-5.5.		
7	"Stalking" means engaging in a course of conduct directed		
8	at a specific person that would cause a reasonable person to		
9	fear for the person's safety or the safety of others or to		
10	suffer substantial emotional distress."		
11	SECTION 3. Section 515-3, Hawaii Revised Statutes, is		
12	amended to read as follows:		
13	"§515-3 Discriminatory practices. It is a discriminatory		
14	practice for an owner or any other person engaging in a real		
15	estate transaction, or for a real estate broker or salesperson,		
16	because of race, sex, including gender identity or expression,		
17	sexual orientation, color, religion, marital status, familial		
18	status, ancestry, disability, age, <u>domestic violence victim</u>		
19	status, or human immunodeficiency virus infection:		
20	(1) To refuse to engage in a real estate transaction with		
21	a person;		



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1	(2)	To discriminate against a person in the terms,
2		conditions, or privileges of a real estate transaction
3		or in the furnishing of facilities or services in
4		connection therewith;
5	(3)	To refuse to receive or to fail to transmit a bona
6		fide offer to engage in a real estate transaction from
7		a person;
8	(4)	To refuse to negotiate for a real estate transaction
9		with a person;
10	(5)	To represent to a person that real property is not
11		available for inspection, sale, rental, or lease when
12		in fact it is available, or to fail to bring a
13		property listing to the person's attention, or to
14		refuse to permit the person to inspect real property,
15		or to steer a person seeking to engage in a real
16		estate transaction;
17	(6)	To print, circulate, post, or mail, or cause to be
18		published a statement, advertisement, or sign, or to
19		use a form of application for a real estate
20		transaction, or to make a record or inquiry in
21		connection with a prospective real estate transaction,
22		that indicates, directly or indirectly, an intent to



1		make a limitation, specification, or discrimination
2		with respect thereto;
3	(7)	To offer, solicit, accept, use, or retain a listing of
4		real property with the understanding that a person may
5		be discriminated against in a real estate transaction
6		or in the furnishing of facilities or services in
7		connection therewith;
8	(8)	To refuse to engage in a real estate transaction with
9		a person or to deny equal opportunity to use and enjoy
10		a housing accommodation due to a disability because
11		the person uses the services of a guide dog, signal
12		dog, or service animal; provided that reasonable
13		restrictions or prohibitions may be imposed regarding
14		excessive noise or other problems caused by those
15		animals. For the purposes of this paragraph:
16		"Blind" shall be as defined in section 235-1;
17		"Deaf" shall be as defined in section 235-1;
18		"Guide dog" means any dog individually trained by
19		a licensed guide dog trainer for guiding a blind
20		person by means of a harness attached to the dog and a
21		rigid handle grasped by the person;



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1	"Reasonable restriction" shall not include any
2	restriction that allows any owner or person to refuse
3	to negotiate or refuse to engage in a real estate
4	transaction; provided that as used in this paragraph,
5	the "reasonableness" of a restriction shall be
6	examined by giving due consideration to the needs of a
7	reasonable prudent person in the same or similar
8	circumstances. Depending on the circumstances, a
9	"reasonable restriction" may require the owner of the
10	service animal, guide dog, or signal dog to comply
11	with one or more of the following:
12	(A) Observe applicable laws including leash laws and
13	pick-up laws;
14	(B) Assume responsibility for damage caused by the
15	dog; or
16	(C) Have the housing unit cleaned upon vacating by
17	fumigation, deodorizing, professional carpet
18	cleaning, or other method appropriate under the
19	circumstances.
20	The foregoing list is illustrative only, and neither
21	exhaustive nor mandatory;



"Service animal" means any animal that is trained 1 to provide those life activities limited by the 2 disability of the person; 3 "Signal dog" means any dog that is trained to 4 alert a deaf person to intruders or sounds; 5 (9) To solicit or require as a condition of engaging in a 6 7 real estate transaction that the buyer, renter, or lessee be tested for human immunodeficiency virus 8 9 infection, the causative agent of acquired 10 immunodeficiency syndrome; To refuse to permit, at the expense of a person with a 11 (10)disability, reasonable modifications to existing 12 premises occupied or to be occupied by the person if 13 14 modifications may be necessary to afford the person full enjoyment of the premises. A real estate broker 15 or salesperson, where it is reasonable to do so, may 16 condition permission for a modification on the person 17 agreeing to restore the interior of the premises to 18 19 the condition that existed before the modification, reasonable wear and tear excepted; 20 21 To refuse to make reasonable accommodations in rules, (11)

policies, practices, or services, when the



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1		accommodations may be necessary to afford a person		
2		with a disability equal opportunity to use and enjoy a		
3		housing accommodation;		
4	(12)	In connect	tion with the design and construction of	
5		covered mu	altifamily housing accommodations for first	
6		occupancy	after March 13, 1991, to fail to design and	
7		construct	housing accommodations in such a manner	
8		that:		
9		(A) The l	nousing accommodations have at least one	
10		acces	ssible entrance, unless it is impractical to	
11		do so	o because of the terrain or unusual	
12		chara	acteristics of the site; and	
13		(B) With	respect to housing accommodations with an	
14		acce	ssible building entrance:	
15		(i)	The public use and common use portions of	
16			the housing accommodations are accessible to	
17			and usable by disabled persons;	
18		(ii)	Doors allow passage by persons in	
19			wheelchairs; and	
20		(iii)	All premises within covered multifamily	
21			housing accommodations contain an accessible	
22			route into and through the housing	
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1 accommodations; light switches, electrical 2 outlets, thermostats, and other 3 environmental controls are in accessible locations; reinforcements in the bathroom 4 walls allow installation of grab bars; and 5 kitchens and bathrooms are accessible by 6 7 wheelchair; or To discriminate against or deny a person access to, or 8 (13)membership or participation in any multiple listing 9 service, real estate broker's organization, or other 10 service, organization, or facility involved either 11 12 directly or indirectly in real estate transactions, or to discriminate against any person in the terms or 13 14 conditions of such access, membership, or participation." 15 16 SECTION 4. Section 515-5, Hawaii Revised Statutes, is amended to read as follows: 17 18 "§515-5 Discriminatory financial practices. It is a discriminatory practice for a person, a representative of such 19 20 person, or a real estate broker or salesperson, to whom an 21 inquiry or application is made for financial assistance in

22 connection with a real estate transaction or for the



1	construct	ion, rehabilitation, repair, maintenance, or			
2	improvement of real property, because of race, sex, including				
3	gender identity or expression, sexual orientation, color,				
4	religion, marital status, familial status, ancestry, disability,				
5	age, <u>domestic violence victim status,</u> or human immunodeficiency				
6	virus infection:				
7	(1)	To discriminate against the applicant;			
8	(2)	To use a form of application for financial assistance			
9		or to make or keep a record or inquiry in connection			
10		with applications for financial assistance that			
11		indicates, directly or indirectly, an intent to make a			
12		limitation, specification, or discrimination unless			
13		the records are required by federal law;			
14	(3)	To discriminate in the making or purchasing of loans			
15		or the provision of other financial assistance for			
16		purchasing, constructing, improving, repairing, or			
17		maintaining a dwelling, or the making or purchasing of			
18		loans or the provision of other financial assistance			
19		secured by residential real estate; or			
20	(4)	To discriminate in the selling, brokering, or			
21		appraising of residential real property."			



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SECTION 5. Section 515-6, Hawaii Revised Statutes, is 1 amended by amending subsections (a) and (b) to read as follows: 2 "(a) Every provision in an oral agreement or a written 3 4 instrument relating to real property that purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease 5 thereof to individuals because of race, sex, including gender 6 identity or expression, sexual orientation, color, religion, 7 8 marital status, familial status, ancestry, disability, age, 9 domestic violence victim status, or human immunodeficiency virus 10 infection, is void.

Every condition, restriction, or prohibition, 11 (b) including a right of entry or possibility of reverter, that 12 directly or indirectly limits the use or occupancy of real 13 property on the basis of race, sex, including gender identity or 14 expression, sexual orientation, color, religion, marital status, 15 16 familial status, ancestry, disability, age, domestic violence victim status, or human immunodeficiency virus infection is 17 18 void, except a limitation, on the basis of religion, on the use of real property held by a religious institution or organization 19 or by a religious or charitable organization operated, 20 supervised, or controlled by a religious institution or 21

22 organization, and used for religious or charitable purposes."



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SECTION 6. Section 515-7, Hawaii Revised Statutes, is 1 2 amended to read as follows: 3 "§515-7 Blockbusting. It is a discriminatory practice for a person, representative of a person, or a real estate broker or 4 salesperson, for the purpose of inducing a real estate 5 transaction from which the person, representative, or real 6 7 estate broker or salesperson may benefit financially, because of race, sex, including gender identity or expression, sexual 8 orientation, color, religion, marital status, familial status, 9 ancestry, disability, age, domestic violence victim status, or 10 11 human immunodeficiency virus infection: 12 To represent that a change has occurred or will or may (1)occur in the composition of the owners or occupants in 13 the block, neighborhood, or area in which the real 14 property is located; or 15 (2) To represent that this change will or may result in 16 the lowering of property values, an increase in 17 criminal or antisocial behavior, or a decline in the 18 quality of schools in the block, neighborhood, or area 19 20 in which the real property is located." 21 SECTION 7. If any provision of this Act, or the application thereof to any person or circumstance is held 22





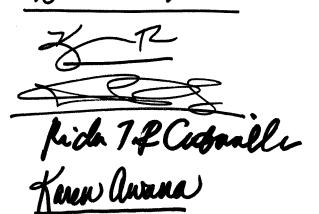
invalid, the invalidity does not affect other provisions or
applications of the Act, which can be given effect without the
invalid provision or application, and to this end the provisions
of this Act are severable.

5 SECTION 8. Statutory material to be repealed is bracketed6 and stricken. New statutory material is underscored.

7 SECTION 9. This Act shall take effect upon its approval.

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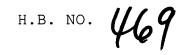
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#### Report Title:

Nondiscrimination; Housing; Domestic Violence Victim

#### Description:

Prohibits discrimination of domestic violence victims in real property transactions, specifically housing discrimination.

