



HAWAII CIVIL RIGHTS COMMISSION

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January 29, 2008

Rm. 016, 1:30 p.m.

To: The Honorable Suzanne Chun Oakland, Chair, and Members of the Senate Committee on Human Services and Public Housing

From: Sara Banks, Acting Chair and Commissioners of the Hawaii Civil Rights Commission

LATE

Re: S.B. No. 2318

The Hawaii Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawaii constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

The HCRC opposes S.B. No. 2318 which amends the definition of "familial status" in HRS section 515-2, to specify that a non-parent individual cohabiting with any minor children must have the written consent of the child's parent in order to qualify for "familial status" under the state housing laws.

The Hawaii Supreme Court recognizes that "the custom of giving children to grandparents, near relatives, and friends to raise *whether legally or informally* remains a strong one." Leong v. Takasaki, 55 Haw. 398, 411, 520 P.2d 758, 766 (1974)(emphasis added). Indeed, the custom of informal adoption is still practiced to this day. Given the reality of this historical and ongoing cultural practice, state laws prohibiting discrimination in housing should not be weakened by removing current provisions that protect the rights of hanai children in cases where the informal arrangements have not been reduced to writing.

Requiring the written consent of a parent will substantially weaken HRS chapter 515 protection against discrimination for families with children. The U.S. Department of Housing and Urban Development approved the language of our current statute in light of Hawaii's cultural practices, recognizing that written consent of the parents is not required to establish hanai relationships.

The HCRC opposes S.B. No. 2318.