



HAWAI'I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 3, 2011
Conference Room 016
1:15pm

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

From: Livia Wang, Acting Chief Counsel
Bill Hoshijo, Executive Director

Re: S.B. No. 909

The Hawai'i Civil Rights Commission (HCRC) staff submits this memorandum to inform the Committee that the HCRC has not yet taken a position on this measure, S.B. No. 909, because the HCRC Commissioners have not had the opportunity to review and take a position on this bill. A meeting for Commission review of bills is scheduled for later today, at which time the Commissioners will take a position on this and other bills.

While the HCRC has not yet taken a position on this particular measure, it has consistently supported the intent of past bills prohibiting housing discrimination against persons based on their source of income, including government or private assistance. In 2009, the HCRC supported the intent of a similar bill, S.B. No. 456, but suggested that the proposed law should not be construed to require landlords to participate in the HUD Section 8 housing program. In the current discussion of the S.B. No. 909, the HCRC will consider changes to its 2009 position since subsequent research shows that courts have held that other state statutes which include Section 8 vouchers as a source of income in their discrimination laws are not preempted by federal Section 8 law (which states that

participation in the Section 8 program is voluntary), and that the burden of participating in the Section 8 program is not onerous.

In the 2009 testimony on S.B. No. 456, the HCRC also requested additional resources to handle the increased number of housing complaints that would result from enactment of this new protection.

The HCRC takes its role and authority to testify and make recommendations to the legislature very seriously, and will do everything possible to assist you in your consideration of bills that affect HCRC jurisdiction and civil rights. We hope the temporary constraints we face will not cause inconvenience or difficulty for the Senate Committee on Human Resources. Please let us know if we can provide you any background information or answer any questions. Thank you for your understanding and patience.

February 2, 2011

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services
Hearing on February 3, 2011 at 1:15 pm in Conference Room 016
FAX: 586-6659
Email: HMSTestimony@Capitol.hawaii.gov

Dear Chair Chun Oakland, Vice Chair Les Ihara and Members of the Committee:

I am a Property Manager and a member of NARPM (National Association of Residential Property Managers). Our Oahu Chapter is the largest in the United States, with 180 members who manage over 20,000 rental units. I **oppose SB 909**, a bill that would prohibit discrimination in real property transactions based on lawful source of income.

The Section 8 process is time consuming. The paperwork will take 1-2 weeks, depending on the Case Worker assigned to the tenant. The inspection can take another week, depending on the Inspector. Even if the entire process goes smoothly, it can take 3-4 weeks before the tenant is finally able to move into the unit. By contrast, a non-Section 8 tenant could be in the unit and paying rent within 1-2 days.

Inspections are another problem with a Section 8 tenant. It can take a week or longer for the Inspector to visit the unit. The units should be a safe and healthy place to live, but sometimes the requirements from the Inspectors seem overly stringent.

I have a credit screening process that I use for all applicants and that a Section 8 tenant would probably not pass. Determining whether a Landlord engaged in a discriminatory process based on source of income would be very subjective. Landlords also have no recourse if a Section 8 tenant damages the unit, since they don't have the money to cover the repairs.

Even for professional property managers, the Section 8 process is complicated and frustrating. It would be very difficult for small Landlords to navigate the Section 8 complexities and wait many weeks for the first rent check. In addition, it could create an economic hardship when they are forced to constantly make minor repairs that are not related to the safety or habitability of the unit.

Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,



Elizabeth Ishimitsu, RA
Property Manager

Lurline R. Johnson
Property Profiles, Inc.
98-030 Hekaha Street, #26
Aiea, HI 96701

February 2, 2011

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Determining whether a Landlord engaged in a discriminatory process based on source of income would be very subjective. I have a credit screening process that I use for all applicants and that a Section 8 tenant would probably not pass.

Even for professional property managers, the Section 8 process is complicated and frustrating. It would be very difficult for small Landlords to navigate the Section 8 complexities. Depending on when the tenant finally moves in, the first rent payment may not arrive for 4-6 weeks, making it difficult for some Landlords to meet monthly payments. In addition, it could create an economic hardship when they are forced to constantly make minor repairs that are not related to the safety or habitability of the unit. Because the Section 8 tenant's income is limited due to Section 8 restrictions, the collection of monies owed, should a tenant damage a unit or fall behind on their rent, would be very difficult and hurt the owner who may be relying on that income.

Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,



Lurline R. Johnson ©, ABR, CRB, CRS, GRI, RMP

ChunOakland2 - Tyrell

From: Mark DeCastro [mark.decastro@decastrorealty.com]
Sent: Wednesday, February 02, 2011 10:04 AM
To: HMS Testimony
Subject: Re: SB 909

February 2, 2011

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Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services
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Inspections are a problem with a Section 8 tenant. It can take a week or longer for the Inspector to visit the unit. The units should be a safe and healthy place to live, but sometimes the requirements from the Inspectors seem overly stringent and not related to safety and habitability.

Determining whether a Landlord engaged in a discriminatory process based on source of income would be very subjective. I have a credit screening process that I use for all applicants.

Even for professional property managers, the Section 8 process is complicated and frustrating. It would be very difficult for small Landlords to navigate the Section 8 complexities. Depending on when the tenant finally moves in, the first rent payment may not arrive for 4-6 weeks, making it difficult for some Landlords to meet monthly payments. In addition, it could create an economic hardship when they are forced to constantly make minor repairs that are not related to the safety or habitability of the unit. Because the Section 8 tenant's income is limited due to Section 8 restrictions, the collection of monies owed, should a tenant damage a unit or fall behind on their rent, would be very difficult and hurt the owner who may be relying on that income.

Once again I urge you to **oppose SB 909**. Thank you for your time and consideration.

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Respectfully,




MARK DECASTRO
REALTY & ASSOCIATES, LLC

Mark-Allen H DeCastro
Principal Broker, (R) CRB, CRS, GRI
Mark DeCastro Realty & Associates, LLC.
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Mililani, HI 96789

Mobile: 808.223.4029

Fax: 888.297.1989

Mark.DeCastro@DeCastroRealty.com

ChunOakland2 - Tyrell

From: Bev Pong Chai [bevpong@hawaii.rr.com]
Sent: Wednesday, February 02, 2011 10:05 AM
To: HMS Testimony
Subject: Opposition to SB 909-Section 8

February 2, 2011

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services Hearing on February 3, 2011 at 1:15 pm in
Conference Room 016
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Determining whether a Landlord engaged in a discriminatory process based on source of income would be very subjective. I have a credit screening process that I use for all applicants and that a Section 8 tenant would probably not pass.

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Lastly, my personal experiences with my last 2 Section 8 tenants have been horrific. These people take advantage of the system by teaching other people how to qualify and they have been able bodied people who can work and pay normal rent but they just know how to work the system. They also call in for repairs more frequently because they are home all the time and

use the facilities such as the appliances and toilets more than usual and are very ungrateful and unsympathetic to the owner of the property. They do not take care of the property since their personal outlay for rent is very small. They do not even pay their own portion of the rent on time.

Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,

Beverly Pong Chai, Realtor & Property Manager Bev's Rentals & Sales 1330 S. Beretania St #200
Honolulu, HI 96814-1500



February 2, 2011

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Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services
Hearing on February 3, 2011 at 1:15 pm in Conference Room 016
FAX: 586-6659
Email: HMSTestimony@Capitol.hawaii.gov

Dear Chair Chun Oakland, Vice Chair Les Ihara and Members of the Committee:

I am the 2011 President of NARPM (National Association of Residential Property Managers)-Oahu Chapter, which is the largest in the United States, with 180 members. Together we manage over 20,000 rental units. We **oppose SB 909**, a bill that would prohibit discrimination in real property transactions based on lawful source of income.

Many professional property managers do rent to Section 8 tenants. However, the delay, time and costs involved in getting Section 8 approval make it difficult to break even or make a profit for some of the units.

Section 8 paperwork is quite time consuming:

1. After the application is approved, the tenant makes an appointment with their case worker, and then brings the paperwork to the Landlord to be completed. After the Landlord completes the paperwork, which is quite comprehensive, the tenant picks it up and must make an appointment to deliver it to the Section 8 office. This can take 1-2 weeks.

2. Next, an inspection is scheduled, and if the property does not pass inspection, repairs have to be made and the property scheduled for another inspection. This process can take a week, or more if repairs have to be done and an inspection rescheduled. The Property Manager must sometimes go to the property each time the Inspector is scheduled to come. We all want our units to be a safe and healthy place for our tenants, but sometimes the Inspectors are too stringent with their requirements. (Inspectors have required that floor tiles with a half inch chip on one corner be replaced.)

3. After the unit passes inspection, the tenant can schedule a check in date and pay the security deposit. Some tenants wait until the unit passes inspection before they make plans to move in. This could take another few days to a few weeks.

4. This entire process can take 20-30 days or longer, depending on the Case Worker and Inspector. The Landlord will not have rental income for those several weeks. In addition, the Landlord must then wait another few weeks to receive the first month's rent.

Determining whether a Landlord engaged in a discriminatory process based on source of income would be very subjective. They will probably not pass the customary credit check performed by most Landlords.

Even for professional property managers, the Section 8 process is complicated and frustrating. It would be very difficult for small Landlords to navigate the Section 8 complexities. Depending on when the tenant finally moves in, the first rent payment may not arrive for 4-6 weeks, making it difficult for some Landlords to meet monthly payments. In addition, it could create an economic hardship when they are forced to constantly make minor repairs that are not related to safety or habitability of the unit.

Once again I urge you to oppose SB 909.

Thank you for your time and consideration.

Sincerely,

Laurene H. Young

Laurene H. Young, R, RMP
2011 NARPM-Oahu Chapter President
(808) 754-4005

RECEIVED
FEB 02 2011
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HONOLULU, HI

Lui & Young Realty, Inc.

2131 South Beretania Street, Suite 204 • Honolulu, Hawaii 96826-1405

Office: (808) 941-4016 • Fax: 942-7146 • Cell: 754-3635 • E-mail: luiyoung@pixi.com

February 2, 2011

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Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services
Hearing on February 3, 2011 at 1:15 pm in Conference Room 016
FAX: 586-6659

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The Section 8 process is time consuming. The paperwork will take 1-2 weeks, depending on the Case Worker assigned to the tenant. The inspection can take another week, depending on the Inspector. Even if the entire process goes smoothly, it can take 3-4 weeks before the tenant is finally able to move into the unit. By contrast, a non-Section 8 tenant could be in the unit and paying rent within 1-2 days.

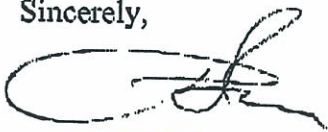
Inspections are another problem with a Section 8 tenant. It can take a week or longer for the Inspector to visit the unit. The units should be a safe and healthy place to live, but sometimes the requirements from the Inspectors seem overly stringent. I was asked, among other things, to replace a vinyl tile that had a ½ inch chip on one corner.

Determining whether a Landlord engaged in a discriminatory process based on source of income would be very subjective. I have a credit screening process that I use for all applicants and that a Section 8 tenant would probably not pass.

Even for professional property managers, the Section 8 process is complicated and frustrating. It would be very difficult for small Landlords to navigate the Section 8 complexities. Depending on when the tenant finally moves in, the first rent payment may not arrive for 4-6 weeks, making it difficult for some Landlords to meet monthly payments. In addition, it could create an economic hardship when they are forced to constantly make minor repairs that are not related to the safety or habitability of the unit. Because the Section 8 tenant's income is limited due to Section 8 restrictions, the collection of monies owed, should a tenant damage a unit or fall behind on their rent, would be very difficult and hurt the Landlord who may be relying on that income.

Once again I urge you to oppose SB 909. Thank you for your time and consideration.

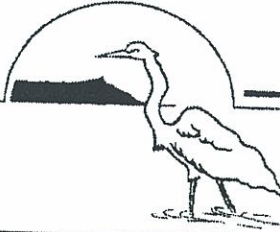
Sincerely,



Patrick G.W. Young, R, RMP



WOODSTOCK
PROPERTIES, INC.



Jason H. Bostick RA
Woodstock Properties Inc.
Property Manager
Director of Maintenance & Repairs
487-8300

February 2, 2011

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Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,

98-211 PALI MOMI STREET SUITE 430 AIEA, HAWAII 96701
PHONE (808) 488-1588 FAX (808) 487-0557 WEB www.woodstockpropertiesinc.com



ChunOakland2 - Tyrell

From: Cori Meyers [cori@kapoleirealty.com]
Sent: Wednesday, February 02, 2011 11:02 AM
To: HMS Testimony
Subject: - Section 8 -

Categories: Red Category

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> February 2, 2011
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> Senator Suzanne Chun Oakland, Chair
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> Members of the Committee on Human Services Hearing on February 3, 2011
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> Determining whether a Landlord engaged in a discriminatory process based on source of income would be very subjective. I have a credit screening process that I use for all applicants and that a Section 8 tenant would probably not pass.

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> Once again I urge you to oppose SB 909. Thank you for your time and consideration.

> Sincerely,

>

Cori Meyers (R)

GRI CRS CRB ePRO CDPE SFR

President/Principal Broker

Kapolei Realty Inc.

cori@kapoleirealty.com

ph. 808-674-1191

fax 808-674-0122

cel 808-927-8055

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ChunOakland2 - Tyrell

From: Nani Wisenberg [nwoodstock@hawaii.rr.com]
Sent: Wednesday, February 02, 2011 1:43 PM
To: HMS Testimony
Subject: SB 909

February 2, 2011

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Senator Les Ihara, Jr., Vice Chair
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The Section 8 process is time consuming. The paperwork will take 1-2 weeks, depending on the Case Worker assigned to the tenant. The inspection can take another week, depending on the Inspector. Even if the entire process goes smoothly, it can take 3-4 weeks before the tenant is finally able to move into the unit. We have an instance last year where we waiting 6 months to receive the certified copy of the Rental Agreement back from the case worker. By contrast, a non-Section 8 tenant could be in the unit and paying rent within 1-2 days.

Inspections are another problem with a Section 8 tenant. It can take a week or longer for the Inspector to visit the unit. The units should be a safe and healthy place to live, but sometimes the requirements from the Inspectors seem overly stringent. Paperwork is mailed to us with very little information. We received a notice last month that our property did not pass the inspection. The repairs were completed two weeks prior and the property had already been re-inspected. Many calls were made before finally determining that this was a clerical error.

Determining whether a Landlord engaged in a discriminatory process based on source of income would be very subjective. I have a credit screening process that I use for all applicants and that a Section 8 tenant would probably not pass.

Even for professional property managers, the Section 8 process is complicated and frustrating. It would be very difficult for small Landlords to navigate the Section 8 complexities. Depending on when the tenant finally moves in, the first rent payment may not arrive for 4-6 weeks, making it difficult for some Landlords to meet monthly payments. In addition, it could create an economic hardship when they are

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Communication and lack of staffing pose major issues with the Section 8 Program. If we were to do business in such a matter, we would be out of business!

Once again we urge you to oppose SB 909. Thank you for your time and consideration.

Mahalo,

Nani Wisenberg - RA

Woodstock Properties, Inc.

(808) 488-1588 Office

(808) 487-0557 Fax

Nani@WoodstockHawaii.com

WWW.WoodstockHawaii.com

ChunOakland2 - Tyrell

From: Claudia Host [cwoodstock@hawaii.rr.com]
Sent: Wednesday, February 02, 2011 11:15 AM
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Categories: Red Category

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Sincerely,

Claudia Host - RA

Claudia Host – RA
Property Manager/Special Project Coordinator
Woodstock Properties, Inc.
(808) 488-1588
(808) 487-0557 Fax
(808) 352-2021 Cell



Woodstock Properties, Inc.

The right choice when you need a professional to sell, buy, manage or rent your home.

Email: Claudia@WoodstockHawaii.com
www.WoodstockHawaii.com



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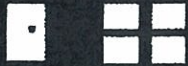
Even for professional property managers, the Section 8 process is complicated and frustrating. It would be very difficult for small Landlords to navigate the Section 8 complexities and wait many weeks for the first rent check. In addition, it could create an economic hardship when they are forced to constantly make minor repairs that are not related to the safety or habitability of the unit.

Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,


Scherry Webb

Woodstock Properties, Inc.



MARIE HANSEN PROPERTIES

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615 Piliol Street, Suite 2070

Honolulu, Hawaii 96813

Phone (808) 591-9780

Fax (808) 591-9780

www.mariehansenproperties.com

February 2, 2011

Senator Suzanne Chun Oakland, Chair
 Senator Les Ihara, Jr., Vice Chair
 Members of the Committee on Human Services
 Hearing on February 3, 2011 at 1:15 pm in Conference Room 016
 FAX: 586-6659
 Email: HMSTestimony@Capitol.hawaii.gov

Dear Chair Chun Oakland, Vice Chair Les Ihara and Members of the Committee:

I am a **Property Manager** and a member of NARPM (National Association of Residential Property Managers). Our Oahu Chapter is the largest in the United States, with 180 members who manage over 20,000 rental units. I **oppose SB 909**, a bill that would prohibit discrimination in real property transactions based on lawful source of income.

The Section 8 process is time consuming. The paperwork will take 1-2 weeks, depending on the Case Worker assigned to the tenant. The inspection can take another week, depending on the Inspector. Even if the entire process goes smoothly, it can take 3-4 weeks before the tenant is finally able to move into the unit. By contrast, a non-Section 8 tenant could be in the unit and paying rent within 1-2 days.

Inspections are another problem with a Section 8 tenant. It can take a week or longer for the Inspector to visit the unit. The units should be a safe and healthy place to live, but sometimes the requirements from the Inspectors seem overly stringent.

Determining whether a Landlord engaged in a discriminatory process based on source of income would be very subjective. I have a credit screening process that I use for all applicants and that a Section 8 tenant would probably not pass.

Even for professional property managers, the Section 8 process is complicated and frustrating. It would be very difficult for small Landlords to navigate the Section 8 complexities. Depending on when the tenant finally moves in, the first rent payment may not arrive for 4-6 weeks, making it difficult for some Landlords to meet monthly payments. In addition, it could create an economic hardship when they are forced to constantly make minor repairs that are not related to the safety or habitability of the unit. Because the Section 8 tenant's income is limited due to Section 8 restrictions, the collection of monies owed, should a tenant damage a unit or fall behind on their rent, would be very difficult and hurt the owner who may be relying on that income.

Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,

Linda Fogarty (R) Broker
 Linda Fogarty

ChunOakland2 - Tyrell

From: South Shore Realty [southshorerealty@hawaii.rr.com]
Sent: Wednesday, February 02, 2011 11:36 AM
To: HMS Testimony
Subject: section 8

February 2, 2011

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services
Hearing on February 3, 2011 at 1:15 pm in Conference Room 016
FAX: 586-6659
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The other item not mentioned above is who this law would affect. Other protected categories pertain to life in general. This would only apply to leasing property and therefore is biased against landlords in general. Other laws on protected categories apply to all professions and not just landlords.

Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,

Diane Sagucio, R, PB

SOUTH SHORE REALTY, Inc.

6600 Kalanianaʻole Hwy. #119

Honolulu, HI 96825

(808) 395-6225 office

Brandi Oshiro
970 Iopono Loop
Kailua, HI 96734

February 2, 2011

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services
Hearing on February 3, 2011 at 1:15 pm in Conference Room 016
FAX: 586-6659
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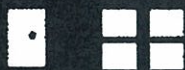
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Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,

Brandi K.W. Oshiro, RA, ABR, GRI



MARIE HANSEN PROPERTIES

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615 Pihohi Street, Suite 2020

Honolulu, HI 96813

PH: (808) 591-9780

FAX: (808) 591-9780

www.mariehanseproperties.com

Senator Suzanne Chun Oakland, Chair
 Senator Les Ihara, Jr., Vice Chair
 Members of the Committee on Human Services
 Hearing on February 3, 2011 at 1:15 pm in Conference Room 016
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Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,


 Drudi Johnston R.

ChunOakland2 - Tyrell

From: Sharon Moore [moores002@hawaii.rr.com]
Sent: Wednesday, February 02, 2011 11:46 AM
To: HMS Testimony
Cc: 'Ruvi Velasco'
Subject: Protected Class - Section 8

February 2, 2011

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services Hearing on February 3, 2011 at 1:15 pm in
Conference Room 016
FAX: 586-6659
Email: HMSTestimony@Capitol.hawaii.gov

Dear Chair Chun Oakland, Vice Chair Les Ihara and Members of the Committee:

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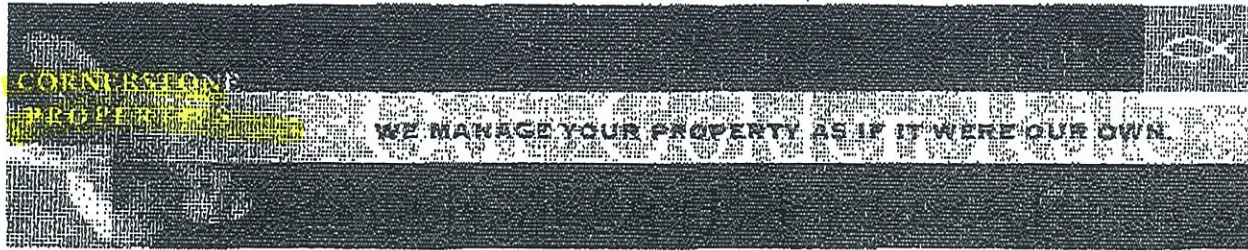
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Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,

Sharon N. Moore, RA
Rental Manager
West Oahu Realty, Inc.
94-428 Mokuola St #105
Waipahu, HI 96797
(808) 330-3781



February 2, 2011

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services
Hearing on February 3, 2011 at 1:15 pm in Conference Room 016
FAX: 586-6659
Email: HMSTestimony@Capitol.hawaii.gov

Regarding SB 909

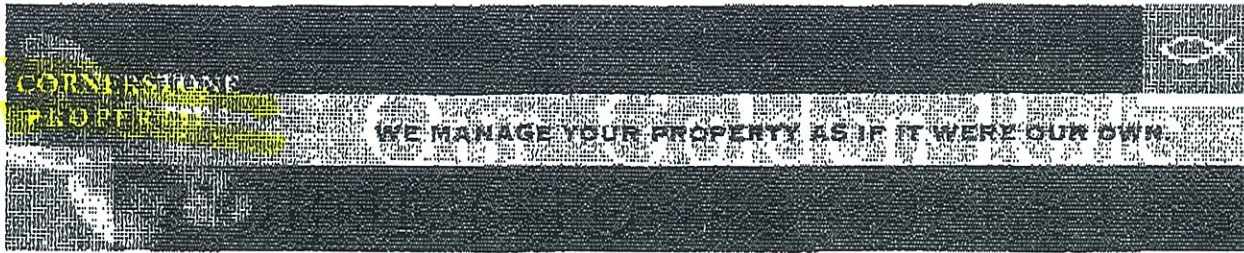
Dear Chair Chun Oakland, Vice Chair Les Ihara and Members of the Committee:

I am a Property Manager and a member of NARPM (National Association of Residential Property Managers). I am also the Past President of the Oahu Chapter and a speaker at our National Conference. Our Oahu Chapter is the largest in the United States, with 180 members who manage over 20,000 rental units. I oppose SB 909, a bill that would prohibit discrimination in real property transactions based on lawful source of income.

The Section 8 process is time consuming. The paperwork will take 1-2 weeks, depending on the Case Worker assigned to the tenant. The inspection can take another week, depending on the Inspector. Even if the entire process goes smoothly, it can take 3-4 weeks before the tenant is finally able to move into the unit. Not only that but payment to our owners can be delayed even further, sometimes two or three months! By contrast, a non-Section 8 tenant could be in the unit and paying rent within 1-2 days.

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Once again I urge you to **oppose SB 909**. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Frazier", written over a horizontal line.

Carl L. Frazier, R

Member of the National Association of Residential Property Managers.



MARIE HANSEN PROPERTIES

615 Pihuel Street, Suite 2020
Honolulu, Hawaii 96813
Phone: (808) 591-1100
Fax: (808) 591-9780

www.mariehansenproperties.com

"We have a passion for property management!"

Senator Les Ihara, Jr., Vice Chair

Members of the Committee on Human Services

Hearing on February 3, 2011 at 1:15 pm in Conference Room 016

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Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,

Sherie Hitchcock

February 2, 2011

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services
Hearing on February 3, 2011 at 1:15 pm in Conference Room 016

Dear Chair Chun Oakland, Vice Chair Les Ihara and Members of the Committee:

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Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,



Elaine H. Saigusa (R)

Principal Broker

Ainalani Realty, LLC

Cell: 348-8007 Bus: 678-8558

Ainalani@hawaii.rr.com

ChunOakland2 - Tyrell

From: Michelle Yee [michelle.yee@hawaii.rr.com]
Sent: Wednesday, February 02, 2011 4:19 PM
To: HMS Testimony
Cc: sharikimoto@yahoo.com; eleanor
Subject: OPPOSE SB 909

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services Hearing on February 3, 2011 at 1:15 pm in Conference Room 016
FAX: 586-6659
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Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,

Michelle E. Lokelani Yee, Realtor BIC
Broker In Charge (CRS, ABR, NARPM)
Certified Residential Specialist
Hawaii Residential Sales & Property Management

Cell: 808 256-6373 Efax: 1 866 224 4001
Email: michelle.yee@hawaii.rr.com

Website: www.michelle-yee.com

Harry Z. Kiyabu Realty, LLC

"A Tradition of Excellence & Integrity"

February 2, 2011

The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services
State Capitol, Room 016
Honolulu, Hawaii 96813

RE: S.B. 909 Relating to Discrimination

HEARING: Thursday, February 3, 2011 at 1:15 p.m.

Aloha Chair Chun Oakland, Vice Chair Les Ihara, Jr. and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate and its 8,500 members in Hawai'i. HAR opposes S.B. 909 which prohibits discrimination in real property transactions based on lawful source of income.

The Section 8 Housing Choice Voucher Program is a laudable program which allows low income families access to safe and sanitary housing. However, many landlords may not be intimately familiar with the intricate processes involved with Section 8 Housing.

When the procedure for renting a unit to a non-Section 8 tenant as opposed to a Section 8 tenant is compared, the delay, costs and added time associated with this proposal become clear.

If both tenants review the property, and submit applications on the same day, the following is an example of the difference of the between the two:

Non-Section 8 Tenant: If the tenant's application is cleared and accepted, the tenant is contacted and a meeting is scheduled as soon as possible to sign the rental agreement, do a unit inspection, and have the tenant pay the first installation of rent and the security deposit. The landlord can then have a rent paying tenant in the unit that day.

Section 8 Tenant: The process often takes two months or longer prior to the landlord receiving the first rental check and must undergo the following processes:

1. If the Section 8 tenant's application is cleared and accepted, the tenant is contacted and advised to bring the Section 8 paperwork to the office for completion.
2. The tenant comes in and delivers the paperwork. The Landlord completes the rental agreement and Section 8 paperwork and the tenant submits it to Section 8.
3. Section 8 then processes the paper work which takes approximately one to two weeks.



The REALTOR® Building
1136 12th Avenue, Suite 220
Honolulu, Hawaii 96816

Phone: (808) 733-7060
Fax: (808) 737-4977
Neighbor Islands: (888) 737-9070
Email: har@hawaiiirealtors.com

4. Section 8 then contacts the Landlord to advise the landlord of their acceptance and to schedule an inspection by an inspector one to three days prior to the visit.
5. The inspector submits their report to Section 8 after the inspection.
6. If there are no discrepancies found during the inspection, Section 8 advises the Landlord that the rental agreement is accepted and the tenant may be checked into the unit.
7. The Landlord contacts the tenant and they do a walk-through after which the tenant pays the security deposit and can occupy the property.

The tenant's rental agreement only goes into effect after the property is inspected by the Section 8 inspector and when they are granted occupancy. According to landlords who accept Section 8 tenants on a regular basis, they indicate the process usually takes a minimum of 12 days, but generally closer to 18 to 24 days. In addition, the landlord normally has to wait an additional 30 to 45 days after occupancy to receive any prorated rent or first month full month's rent from Section 8.

According to Landlords who deal with Section 8 housing tenants on a regular basis, there are several problems with the implementation of the program. There are issues with inconsistent application of paperwork requirements. Successful completion of forms may depend on which case worker is reviewing them. Property inspection requirements are applied differently by different inspectors. At times discrepancies are reported and corrected by the landlord, only to have a different inspector sent to check the corrections who finds other discrepancies. Items such as a dining room ceiling light hanging three inches too low, or the space under a bedroom door being ¼ inch to high or louver cranks too hard to turn, have been experienced.

To professional property managers with training and knowledge of the system who wish to accept Section 8 tenants, these are expected processes and delays and can be addressed by established procedures and planning. There is no law that prohibits landlords from currently accepting Section 8 tenants if they wish to do so. However, if acceptance of these classes of tenants is mandated, the processes may be too complex for the average Mom and Pop landlord to handle, and they may not be able to afford the time and costs associated with the process.

There is also the issue of difficulty of enforcement. To determine whether someone is engaged in a discriminatory practice based solely on source of income is very subjective and ambiguous.

We respectfully request that if it is this committee's intent is to assist low-income individuals in finding affordable housing, that prior to this measure being enacted that instead it may be more beneficial to streamline Section 8 and work on educating landlords on the process.

Mahalo for the opportunity to testify.



February 2, 2011

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services
Hearing on February 3, 2011 at 1:15 pm in Conference Room 016
FAX: 586-6659
Email: HMSTestimony@Capitol.hawaii.gov

Dear Chair Chun Oakland, Vice Chair Les Ihara and Members of the Committee:

I oppose SB ~~910~~⁹⁰⁹ Relating to Discrimination specifically "Section 2. Section 515-2" because:

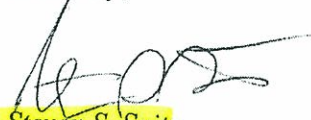
1. the time frame for the approval process can take several weeks depending on the inspectors time, holidays, and furlough Fridays;
2. language in the Section 8 documents supercedes Hawaii Landlord Tenant code in regards to termination of a rental contract;
3. compensation of Section 8 portion of the rent can take as long as 4-6 weeks depending where in the month the contract is signed;
4. in the event of default and or damages seeking reimbursement can be more than an arduous task due to the limited attachable assets;
5. items 1, 3, & 4 above can put a tremendous amount of financial burden for the owner relying on the income for their livelihood, paying mortgages, support of family members, etc;
6. in signing a non-section 8 tenant the entire process can be a matter of only days.

I feel the system would be better served if each individual owner/property manager be allowed to continue making their own decisions as to whether they would allow Section 8 or not. I know there are Property Managers that do Section 8 rentals but to force anyone to rent to Section 8 applicants would be grossly unfair and potential financially burdensome.

I thank you for this opportunity to testify.

Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,



Steven S. Saito
Principal Broker/Property Manager
B.Y. Realty Management & Sales
1314 S. King Street, Suite 750
Honolulu, Hi 96814
Phone #: 591-2941

ChunOakland2 - Tyrell

From: PATTI.ARAKAKI [PATTI.ARAKAKI@pruhawaii.com]
Sent: Wednesday, February 02, 2011 3:08 PM
To: HMS Testimony
Subject: Oppose SB 909

February 2, 2011

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services Hearing on February 3, 2011 at 1:15 pm in
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FAX: 586-6659
Email: HMSTestimony@Capitol.hawaii.gov

Dear Chair Chun Oakland, Vice Chair Les Ihara and Members of the Committee:

I am a **Property Manager** and a member of NARPM (National Association of Residential Property Managers). Our Oahu Chapter is the largest in the United States, with 180 members who manage over 20,000 rental units. I **oppose SB 909**, a bill that would prohibit discrimination in real property transactions based on lawful source of income.

The Section 8 process is time consuming. The paperwork will take 1-2 weeks, depending on the Case Worker assigned to the tenant. The inspection can take another week, depending on the Inspector. Even if the entire process goes smoothly, it can take 3-4 weeks before the tenant is finally able to move into the unit. By contrast, a non-Section 8 tenant could be in the unit and paying rent within 1-2 days.

Inspections are another problem with a Section 8 tenant. It can take a week or longer for the Inspector to visit the unit. The units should be a safe and healthy place to live, but sometimes the requirements from the Inspectors seem overly stringent.

Determining whether a Landlord engaged in a discriminatory process based on source of income would be very subjective. I have a credit screening process that I use for all applicants and that a Section 8 tenant would probably not pass.

Even for professional property managers, the Section 8 process is complicated and frustrating. It would be very difficult for small Landlords to navigate the Section 8 complexities. Depending on when the tenant finally moves in, the first rent payment may not arrive for 4-6 weeks, making it difficult for some Landlords to meet monthly payments. In addition, it could create an economic hardship when they are forced to constantly make minor repairs that are not related to the safety or habitability of the unit. Because the Section 8 tenant's income is limited due to Section 8 restrictions, the collection of monies owed, should a tenant damage a unit or fall behind on their rent, would be very difficult and hurt the owner who may be relying on that income.

Once again I urge you to oppose SB 909. Thank you for your time and consideration.

Sincerely,

Patti Arakaki