STAND. COM. REP. NO. **2478**

Honolulu, Hawaii

MAR 0 1 2012

RE: S.B. No. 2842
        S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2842 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL ACTIONS FOR
DISCRIMINATORY PRACTICES IN REAL PROPERTY TRANSACTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to make the law
relating to the filing of civil actions in housing discrimination
cases consistent with the federal laws under the Fair Housing Act.
Specifically, this measure:

(1)   Allows an aggrieved person to file a civil action in an
      appropriate court no later than two years after the
      occurrence or termination of an alleged discriminatory
      housing practice; and

(2)   Directs the Hawaii Civil Rights Commission to issue a
      right to sue on a complaint filed with the Commission if
      it determines that a civil action alleging similar facts
      has also been filed.

Your Committee received testimony in support of this measure
from the Department of Labor and Industrial Relations, the Hawaii
Civil Rights Commission, and one private individual. One private
individual submitted comments.

Your Committee finds that existing law allows an aggrieved
person to file a civil action after filing an administrative

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complaint with the Hawaii Civil Rights Commission and obtaining a right to sue, which does not comport with the enforcement provisions under the federal Fair Housing Act. Instead, federal law provides the aggrieved person an option to file a civil action without first filing an administrative complaint.
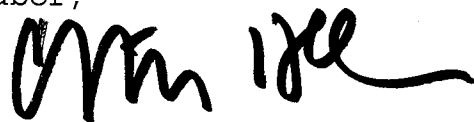
Your Committee notes that in May 2010, the Hawaii Civil Rights Commission received a notice from the Director of the Fair Housing Assistance Program Division of the United States Department of Housing and Urban Development, directing the Commission to seek an amendment to Hawaii's laws to make it substantially equivalent to the federal Fair Housing Act by providing for civil enforcement by an aggrieved person through the commencement of a court action without exhaustion of administrative remedies. This measure satisfies the federal law requirement of substantial equivalency, as required for continued receipt of federal funds. The United States Department of Housing and Urban Development reviewed and approved the language in this measure.

Your Committee has amended this measure by:

(1) Inserting an effective date of July 1, 2050, to ensure further discussion; and

(2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2842, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2842, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

CLAYTON HEE, Chair

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The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2842	JDL	2/17/12

☐ The committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to:_____

The Recommendation is:

☐ Pass, unamended
2312

☒ Pass, with amendments
2311

☐ Hold
2310

☐ Recommit
2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
TOTAL	4			1

Recommendation:

☒ Adopted   ☐ Not Adopted

Chair's or Designee's Signature: _[signature]_

*Only <u>one</u> measure per Record of Votes

Revised: 01/20/11