

SB 2842

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: Jim@JamesHochbergLaw.com
Subject: Testimony for SB2842 on 2/17/2012 10:00:00 AM
Date: Wednesday, February 15, 2012 9:55:13 AM

Testimony for JDL 2/17/2012 10:00:00 AM SB2842

Conference room: 016
Testifier position: Support
Testifier will be present: Yes
Submitted by: James Hochberg, A.A.L.
Organization: Individual
E-mail: Jim@JamesHochbergLaw.com
Submitted on: 2/15/2012

Comments:

I support the intent of SB2842 to clarify that there is an absolute 2-year statute of limitations for claims of discrimination in real estate transactions under HRS Chapter 515 and the Civil Rights Commission under HRS Chapter 368. However, the new language of subsection (b) of HRS 515-9 contains a triple negative which makes it a rather circular statement. This is very confusing. I suggest that (b) be modified to read: "Notwithstanding anything contained in chapter 368 or this section, an aggrieved person must file a civil action for discriminatory practices made unlawful by this chapter no later than two years after the occurrence or the termination of an alleged discriminatory practice; provided that, notwithstanding section 368-12, the commission shall issue a right to sue on a complaint filed with the commission, if the commission receives notice of or otherwise determines that a complainant has filed a civil action against the same respondent alleging similar facts.

In addition to clarifying the two-year limitations period applicable to claims under HRS Chapter 515, a similar clarification is appropriate for claims under HRS Chapter 489, discrimination in public accommodations. May I suggest that Section 489-7 be amended to read: "489-7. No limitation on causes of action.

Nothing in this chapter shall be construed to limit any cause of action based upon any unfair discriminatory practices for which a remedy is available under state or federal law [.] ; provided, however that an aggrieved person may file a civil action in an appropriate court no later than two years after the occurrence or the termination of an alleged discriminatory practice."

This would make the Hawaii law prohibiting discrimination in public accommodations follow the federal law on that matter found at 42 U.S.C.A. 2000a-6.