
A BILL FOR AN ACT

RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION.

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

1 SECTION 1. Section 368-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§368-13 Investigation and conciliation of complaint.** (a)
4 After the filing of a complaint, or whenever it appears to the
5 commission that an unlawful discriminatory practice may have
6 been committed, the commission's executive director shall make
7 an investigation in connection therewith. At any time after the
8 filing of a complaint but prior to the issuance of a
9 determination as to whether there is or is not reasonable cause
10 to believe that part I of chapter 489, chapter 515, part I of
11 chapter 378, or this chapter has been violated, the parties may
12 agree to resolve the complaint through a predetermination
13 settlement.

14 (b) The executive director shall issue a determination of
15 whether [~~or not~~] there is reasonable cause to believe that an
16 unlawful discriminatory practice has occurred within [~~one-~~
17 ~~hundred-and~~] one hundred eighty days from the date of filing a



1 complaint unless the commission grants an extension of time to
2 issue a determination.

3 (c) [~~If~~] When the executive director makes a determination
4 that there is no reasonable cause to believe that an unlawful
5 discriminatory practice has occurred in a complaint filed, the
6 executive director shall promptly notify the parties in writing.
7 The notice to complainant shall indicate also that the
8 complainant may bring a civil action as provided under section
9 368-12.

10 (d) When the executive director determines after the
11 investigation that there is reasonable cause to believe that an
12 unlawful discriminatory practice within the commission's
13 jurisdiction has been committed, the executive director shall
14 immediately endeavor to eliminate any alleged unlawful
15 discriminatory practice by informal methods, such as conference,
16 conciliation, and persuasion.

17 (e) [~~Where~~] When the executive director has determined
18 that there is reasonable cause to believe that an unlawful
19 discriminatory practice has occurred and has been unable to
20 secure from the respondent a conciliation agreement acceptable
21 to the commission within [~~one hundred and~~] one hundred eighty



1 days of the filing of the complaint, unless the commission has
2 granted an extension of time, the executive director [~~shall~~
3 ~~demand~~], in the executive director's discretion, may:

- 4 (1) Demand that the respondent cease the unlawful
5 discriminatory practice[-]; or
6 (2) Dismiss the complaint and issue a notice to the
7 complainant indicating that the complainant may bring
8 a civil action as provided under section 368-12.

9 The executive director's determination that a final
10 conciliation demand is to be made shall be subject to
11 reconsideration by the commission on its own initiative but
12 shall not be subject to judicial review. The executive director
13 may demand appropriate affirmative action as, in the judgment of
14 the executive director, will effectuate the purpose of this
15 chapter, and include a requirement for reporting on the manner
16 of compliance.

17 The executive director's determination to dismiss a
18 complaint and to issue a notice of right to sue may be
19 reconsidered on the executive director's own initiative but
20 shall not be subject to judicial review.



1 (f) Notwithstanding subsection (e) to the contrary, for
2 complaints alleging violations of chapter 515 and the federal
3 Fair Housing Act, title VIII of Public Law 90-284 (42 U.S.C.
4 §3601, et seq.), as amended, when the executive director has
5 determined that there is reasonable cause to believe that an
6 unlawful discriminatory practice has occurred and has been
7 unable to secure from the respondent a conciliation agreement
8 acceptable to the commission within one hundred eighty days of
9 the filing of the complaint, unless the commission has granted
10 an extension of time, the executive director shall demand that
11 the respondent cease the unlawful discriminatory practice.

12 The executive director's determination to issue a final
13 conciliation demand shall be subject to reconsideration by the
14 commission on the commission's own initiative but shall not be
15 subject to judicial review. The executive director may demand
16 appropriate affirmative action as, in the judgment of the
17 executive director, will carry out the purpose of this chapter,
18 and include a requirement for reporting on the manner of
19 compliance."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2091.



Report Title:

Hawaii Civil Rights Commission; Investigation and Conciliation of Complaint; Reconsideration

Description:

Authorizes the Hawaii Civil Rights Commission's Executive Director to dismiss a discrimination complaint and issue a notice of right to sue after a determination of a reasonable cause of discrimination is made and conciliation fails. Authorizes the Commission to reconsider the Executive Director's determination to dismiss a complaint and to issue a notice of right to sue with respect to fair housing compliance with the federal Fair Housing Act. (SB2895 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

