
A BILL FOR AN ACT

RELATING TO DISCRIMINATION.

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

1 SECTION 1. The legislature finds that low-income
2 individuals have an extremely difficult time finding affordable
3 housing rentals in Hawaii. This situation is more frustrating
4 when "no section 8 accepted" housing vacancy advertisements
5 prevent low-income individuals from being considered as renters.
6 Existing Hawaii law does not prohibit discrimination based on
7 lawful source of income. However, a number of other states,
8 including California and Oregon, have prohibited this type of
9 income discrimination. The legislature further finds that
10 renters who participate in government assistance programs, such
11 as the federal housing choice voucher program, also known as
12 section 8 housing, should have an equal opportunity to find
13 housing.

14 The purpose of this Act is to prohibit discrimination based
15 on lawful source of income in rental transactions, including
16 advertisements for available rental units.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 SOURCE OF INCOME DISCRIMINATION

6 § -1 Definitions. As used in this chapter, unless the
7 context clearly requires otherwise:

8 "Rental transaction" means any part of the process or
9 transaction for the rental or lease of premises for residential
10 purposes.

11 "Source of income" means any lawful source of money paid
12 directly or indirectly to a tenant or potential tenant,
13 including:

- 14 (1) Any lawful profession or occupation;
- 15 (2) Any government or private assistance, grant, loan, or
16 rental assistance program, including low-income
17 housing assistance certificates and vouchers under the
18 United States Housing Act of 1937, as amended; and
- 19 (3) Any gift, inheritance, pension, annuity, alimony,
20 child support, or other consideration or benefit.



1 "Steer" means the practice of directing persons who seek to
2 enter into a rental transaction toward or away from the premises
3 to deprive them of the benefits of living in a discrimination-
4 free environment.

5 § -2 **Discriminatory practices in a rental transaction**
6 **based on source of income.** (a) It is a discriminatory practice
7 for a person engaging in a rental transaction subject to this
8 chapter with another person to, because of that other person's
9 source of income:

10 (1) Refuse to engage in a rental transaction with that
11 person;

12 (2) Discriminate against that person in the terms,
13 conditions, or privileges of a rental transaction or
14 in the furnishing of facilities or services in
15 connection with a rental transaction;

16 (3) Refuse to receive or fail to transmit a bona fide
17 offer to engage in a rental transaction from that
18 person;

19 (4) Refuse to negotiate for a rental transaction with that
20 person;



- 1 (5) Represent to that person that premises are not
2 available for inspection, rental, or lease when in
3 fact the premises are available; fail to bring a
4 premises listing to that person's attention; refuse to
5 permit that person to inspect the premises; or steer
6 that person away from seeking to engage in a rental
7 transaction;
- 8 (6) Offer, solicit, accept, use, or retain a premises
9 listing with the understanding that that person may be
10 discriminated against in a rental transaction or in
11 the furnishing of facilities or services in connection
12 with a rental transaction; or
- 13 (7) Discriminate against or deny that person access to, or
14 membership or participation in, any multiple listing
15 service or other service, organization, or facility
16 involved either directly or indirectly in rental
17 transactions; or to discriminate against that person
18 in the terms or conditions of access, membership, or
19 participation.



1 (b) Nothing in this section shall be deemed to prohibit a
2 person from determining the ability of a potential tenant to pay
3 rent by:

4 (1) Verifying, in a commercially reasonable manner, the
5 source and amount of income of the potential tenant;
6 or

7 (2) Evaluating, in a commercially reasonable manner, the
8 stability, security, and credit worthiness of the
9 potential tenant or any source of income of the
10 potential tenant.

11 § -3 **Restrictive covenants and conditions.** (a) Every
12 provision in an oral agreement or a written instrument relating
13 to the premises that purports to forbid or restrict the
14 occupancy or lease of the premises to persons because of source
15 of income is void.

16 (b) Every condition, restriction, or prohibition,
17 including a right of entry or possibility of reverter, that
18 directly or indirectly limits the use or occupancy of the
19 premises on the basis of source of income is void.

20 (c) It is a discriminatory practice to insert in a written
21 instrument relating to the premises a provision that is void



1 under this section or to honor or attempt to honor the provision
2 in the chain of title.

3 § -4 **Blockbusting.** It is a discriminatory practice for
4 a person, for the purpose of inducing a rental transaction from
5 which the person may benefit financially, to represent to
6 another person, because of that other person's source of income,
7 that:

8 (1) A change has occurred, will occur, or may occur in the
9 composition of the owners or occupants in the block,
10 neighborhood, or area in which the premises is
11 located; or

12 (2) The change described in paragraph (1) will or may
13 result in the lowering of property values, an increase
14 in criminal or antisocial behavior, or a decline in
15 the quality of schools in the block, neighborhood, or
16 area in which the premises is located.

17 § -5 **Other discriminatory practices in a rental**
18 **transaction.** It is a discriminatory practice for a person, or
19 for two or more persons to conspire to:

20 (1) Retaliate, threaten, or discriminate against a person
21 because:



- 1 (A) Of the exercise or enjoyment of any right granted
- 2 or protected by this chapter;
- 3 (B) The person has opposed a discriminatory practice
- 4 prohibited under this chapter; or
- 5 (C) The person has filed a complaint, testified,
- 6 assisted, or participated in a proceeding under
- 7 this chapter;
- 8 (2) Aid, abet, incite, or coerce a person to engage in a
- 9 discriminatory practice under this chapter;
- 10 (3) Interfere with any person in the exercise or enjoyment
- 11 of any right granted or protected by this chapter;
- 12 (4) Obstruct or prevent a person from complying with this
- 13 chapter or an order issued pursuant to this chapter;
- 14 (5) Intimidate or threaten any person engaging in
- 15 activities designed to make other persons aware of, or
- 16 encouraging other persons to exercise, rights granted
- 17 or protected by this chapter;
- 18 (6) Threaten, intimidate, or interfere with persons in
- 19 their enjoyment of the premises because of the source
- 20 of income of the persons, or of visitors or associates
- 21 of the persons;



1 (7) Print, circulate, post, mail, or cause to be published
2 a statement, advertisement, or sign that indicates,
3 directly or indirectly, an intent to make a limitation
4 or specification, or to discriminate because of source
5 of income;

6 (8) Use a form of application for a rental transaction
7 that indicates, directly or indirectly, an intent to
8 make a limitation or specification, or to discriminate
9 because of source of income; or

10 (9) Make a record or inquiry in connection with a
11 prospective rental transaction that indicates,
12 directly or indirectly, an intent to make a limitation
13 or specification, or to discriminate because of source
14 of income.

15 § -6 **Late fee; untimely payment under low-income housing**
16 **assistance program.** For any dwelling unit rented as part of a
17 low-income housing assistance certificate and voucher program
18 under the United States Housing Act of 1937, as amended, the
19 landlord shall be entitled to ten per cent of the monthly rent
20 where payment from the program is not prepaid.



1 § -7 Remedies for discrimination based on source of
2 income. (a) If a person engaging in a rental transaction
3 engages in a discriminatory practice based on source of income
4 prohibited under this chapter, any aggrieved renter may bring a
5 civil action in district court for appropriate injunctive relief
6 within one year of the occurrence of the alleged violation.

7 (b) In any action brought pursuant to subsection (a), a
8 district court may issue an injunction to enjoin violation of
9 this chapter and if an injunction is issued may:

- 10 (1) Assess a fine not to exceed \$500; and
- 11 (2) Award reasonable attorneys' fees incurred in the civil
- 12 action.

13 § -8 Investigation and resolution of complaints. The
14 office of consumer protection or the Hawaii civil rights
15 commission shall receive, investigate, and attempt to resolve
16 any dispute arising under this chapter."

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

20 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Discrimination in Rental Transactions; Source of Income;
Advertisements

Description:

Prohibits discrimination based on lawful source of income in rental transactions, including advertisements for available rental dwelling units. Effective 07/01/2050. (SD1)

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