



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

LATE

ON THE FOLLOWING MEASURE:

S.B. NO. 151, RELATING TO CONDOMINIUMS.

BEFORE THE:

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

DATE: Thursday, February 23, 2017 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Shari J. Wong, Deputy Attorney General

Chair Baker and Members of the Committee:

Our department was asked to provide our opinion as to whether the Fair Housing Act prohibits rules in condominiums that discriminate between a tenant and an owner, or rules that prevent smoking.

The Fair Housing Act only prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status, and disability. We have consulted with the Hawaii Civil Rights Commission and it confirmed that renters are not a protected class and smoking is not a protected activity. The Act protects against discrimination based on certain protected classes in certain types of transactions. But the purpose of this bill, to allow condominium associations to adopt rules requiring unit owners to prohibit smoking in a unit as part of a lease agreement, does not appear to implicate the Fair Housing Act. As a result we believe that condominium associations may adopt rules that require unit owners to prohibit smoking in a condominium unit as part of a lease agreement with a tenant.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: susanlarson78@gmx.com
Subject: *Submitted testimony for SB151 on Feb 23, 2017 09:30AM*
Date: Wednesday, February 22, 2017 7:02:38 PM

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SB151

Submitted on: 2/22/2017

Testimony for CPH on Feb 23, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Larson	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SB151

Submitted on: 2/22/2017

Testimony for CPH on Feb 23, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Oswald	Individual	Oppose	No

Comments:

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SB151

Submitted on: 2/22/2017

Testimony for CPH on Feb 23, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Lourdes Scheibert	Individual	Support	No

Comments: My name is Lourdes Scheibert, condominium owner in support of SB151

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SB151

Submitted on: 2/22/2017

Testimony for CPH on Feb 23, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
David McCann	Individual	Oppose	No

Comments: No Ban!!!

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