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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

SENATE COMMITTEE ON JUDICIARY

Thursday, February 27, 2020
10:15 AM - Room 016, Hawaii State Capitol

In consideration of
SB 2032
RELATING TO RENTAL DISCRIMINATION

Honorable Chair Rhoads and Members of the Senate Committee on Judiciary, thank you for the opportunity to provide testimony concerning Senate Bill (SB) 2032, relating to rental discrimination.

The Hawaii Public Housing Authority (HPHA) **supports** the enactment of SB 2032, which prohibits discrimination, including in advertisements for available real property, based on participation in a housing assistance program, or requirements related to participation in housing assistance programs, in real estate transactions and requirements.

The HPHA's mission is to promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination through its public housing and rental assistance programs. The HPHA serves the State's most vulnerable populations, including those earning less than thirty percent of the Area Median Income (AMI), the disabled and the elderly.

One of the programs in which the HPHA assists our low-income families is through the Section 8 Housing Choice Voucher Program, also known as "Section 8 HCV". The Section 8 HCV program is one of the federal government's major programs for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market, including single-family homes, townhouses and apartments. This program currently brings \$35.91 million dollars a year primarily on the island of Oahu, supports over 2,400 families and over 6,700 individuals.

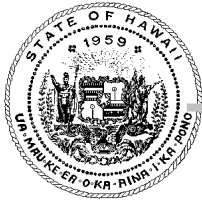
Because of the overwhelming need in our community to assist our low-income families, we are hopeful that with the passage of this measure, our Section 8 HCV participants will be considered as tenants and given a chance to apply for vacant units. Unfortunately, 86 families had to return their voucher back to the HPHA because they were unable to find a rental unit last year.

The Section 8 HCV program is an important part of the State's efforts in addressing the affordable housing needs of our low-income families. All families go through a criminal background, sex offender and
AN EQUAL OPPORTUNITY AGENCY

Providing Housing Assistance and Programs Free from Discrimination

Homeland Security screenings before being given a voucher to pursue a rental unit, and the HPHA is willing to work and assist all landlords that would like to participate in the program.

The HPHA appreciates the opportunity to provide the Committee with the HPHA's testimony regarding SB 2032. We thank you very much for your dedicated support.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 27, 2020
Rm. 016, 10:15 a.m.

To: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Members of the House Committee on Judiciary

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 2032

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The HCRC supports S.B. No. 2032, which would amend the HRS to add a new chapter to prohibit housing discrimination against persons based on their source of income, including participation in a housing assistance program or requirements related to participation in a housing assistance program. While this new protection is different in kind from the protected bases under fair housing law, there is some correlation between the protected bases under federal and state fair housing law and those who receive rental assistance and other sources of income from government programs – many are people living with disabilities, families with children, single female heads of household, and members of racial minority groups.

In recent years a number of states and municipalities have enacted laws prohibiting discrimination in housing based on lawful source of income, including Section 8 vouchers as a source of income. Courts have held that these state and local laws are not preempted by federal Section 8 law (which states that participation in the Section 8 program is voluntary), and that the burden of participating in the Section 8 program is not onerous.

S.B. No. 2032 is identical to a bill that was passed by the Senate during the 2019 session, in the form of S.B. No. 122, S.D.2. In that bill, S.B. No. 122, S.D.2, the Senate Committee on Judiciary addressed concerns raised by the HCRC, by incorporating amendments: Removing the new prohibition against discrimination based on participation in a housing assistance program from HRS chapter 515 and HCRC jurisdiction; placing the new prohibited practice in a new chapter of the HRS, with enforcement through direct civil action and provision for appropriate remedies; and, limiting the scope of the prohibition to discrimination based on participation in a government assistance program by amending the definition of “housing assistance program.”

The concerns raised by the HCRC in 2019 having been addressed, the HCRC supports S.B. No. 2032.

February 27, 2020

The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary
State Capitol, Room 225
Honolulu, HI 96813

RE: S.B. 2032, Relating to Rental Discrimination

HEARING: Thursday, February 27, 2020, at 10:15 a.m.

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee,

I am Ken Hiraki, Director of Government Affairs, testifying on behalf of the Hawai'i Association of REALTORS® (“HAR”), the voice of real estate in Hawai'i, and its over 10,000 members. HAR **opposes** S.B. 2032 which prohibits discrimination, including in advertisements for available rental units, based on participation in a housing assistance program, or requirements related to participation in housing assistance programs, in real estate transactions and requirements.

HAR believes that government subsidized housing assistance programs, such as Section 8, are an important part of our community's social safety net. However, the section 8 process has additional paperwork, inspections and processes. As a result, property owners will typically have to forego their first month's rent in addition to having to wait 3 months or longer for a subsequent rental check. While property managers may possess the experience and knowledge necessary to navigate safely through this process, it may be too complex, expensive and time consuming for the average property owner.

Additionally, the issue of whether a property owner is engaged in a discriminatory practice, simply by not choosing to participate in a housing assistance program, becomes subjective and ambiguous. As a result, even the most diligent property owner could find himself or herself the subject of a discrimination complaint.

HAR believes that it is not a good practice to make government assistance housing programs, which are optional to participate in, to be considered a discriminatory practice. Instead, we should focus on solutions that encourage property owners to participate in these valuable programs.

Mahalo for the opportunity to testify.



TO: Chair Rhoads, Vice Chair Keohokalole, and Members of the Senate Committee on Judiciary

FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

DATE/LOCATION: February 27, 2020; 10:15 a.m., Conference Room 016

RE: TESTIMONY IN SUPPORT OF SB 2032– RELATING TO RENTAL DISCRIMINATION

We support SB 2032 which prohibits discrimination, including in advertisements for available real property, based on participation in a housing assistance program, or requirements related to participation in housing assistance programs, in real estate transactions and requirements. This bill prevents discrimination, promotes equity in our community, and removes stigma and barriers for families who are looking for affordable housing, which is hard to come by in our state.

This measure recognizes that many of our under-resourced individuals and families who obtain housing assistance are deeply challenged to find and secure housing especially with the high costs and lack of availability in the current Hawaii market. Our staff and clients have been successfully connected with landlords who accept Section 8 vouchers and who also report that working with these individuals and families has been mutually beneficial. It would behoove us to consider prohibiting rental discrimination based on income sources. As a provider of services to a majority of low-income individual and families, we see the struggles that our clients face daily. By setting good public policy and supporting individuals and families to seek equitable opportunities, we encourage our residents to create promising futures and we build a stronger Hawaii community.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 18 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, poverty prevention and community building programs.

Thank you for the opportunity to testify in **support of SB 2032**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

TESTIMONY IN SUPPORT OF SB 2032

TO: Chair Rhoads, Vice-Chair Keohokalole, and Members of the Judiciary Committee

FROM: Nikos Leverenz
Grants, Development & Policy Manager

DATE: February 27, 2020 (10:15 AM)

Hawai'i Health & Harm Reduction Center (HHRC) **supports** SB 2032, which would prohibit discrimination in real estate transactions and requirements based on participation in a housing assistance program or requirements related to participation in housing assistance programs.

This measure recognizes that many low-income persons and families who obtain needed assistance have great difficulty in finding and securing rentals in a perennially high-cost, low-supply housing landscape. Hawai'i should join the states of Connecticut, Maine, Massachusetts, New Jersey, North Dakota, Oklahoma, Oregon, Utah, Vermont, and Washington and the District of Columbia in prohibiting rental discrimination based on income sources.

HHRC works with many individuals who are impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions. As such, we support a comprehensive "Housing First" approach for those struggling with housing instability.

[As noted by the Corporation for Supportive Housing](#), "Access to safe, quality, affordable housing – and the supports necessary to maintain that housing – constitute one of the most basic and powerful social determinants of health. **[For] individuals and families trapped in a cycle of crisis and housing instability due to extreme poverty, trauma, violence, mental illness, addiction or other chronic health conditions, housing can entirely dictate their health and health trajectory. For these populations, housing is a necessary precursor of health.**" (emphasis added)

Thank you for the opportunity to testify on this measure.

SB-2032

Submitted on: 2/22/2020 12:44:23 PM

Testimony for JDC on 2/27/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch, Sr.	Individual	Support	No

Comments:

I support SB2032. Please pass. Thank you.

Mike Golojuch, Sr.

SB-2032

Submitted on: 2/24/2020 9:59:06 AM

Testimony for JDC on 2/27/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
SYLVIA AMARAL ARQUITOLA	Individual	Support	No

Comments:

Homelessness is one of the biggest issues affecting families and individuals in our state. In recent years, more attention has been given to homelessness and the negative affects that it has on not only the individuals experiencing it but our state as a whole. To combat this issue, many counties have stepped up services for homeless individuals, including more engagement with services and service providers. This is positive, and indeed can lead to permanent housing solutions for many homeless families and individuals. Many can be housed with programs that provided subsidized housing in the form of vouchers. Unfortunately, it appears that many landlords are unwilling to accept these vouchers, perhaps out of concern that the individuals using them will not be "good" tenants as compared to others who do not have subsidized housing.

The fact that landlords are currently allowed to discriminate against those using vouchers is deplorable. Socioeconomic status (SES) should not be a basis for discrimination for housing, along with race, national origin, sexual orientation, and so forth. Such discrimination only furthers the plight of being "poor" or disadvantaged. Permanent housing as a first step allows individuals to focus on improving all other aspects of their life and be fully integrated into their community and experience social justice. Please pass this legislation and stop the marginalization of those experiencing SES challenges.

LATE

SB-2032

Submitted on: 2/26/2020 6:53:18 PM

Testimony for JDC on 2/27/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael W Sawamoto	Individual	Support	No

Comments:

LATE

SB-2032

Submitted on: 2/27/2020 9:34:54 AM

Testimony for JDC on 2/27/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne	Individual	Support	No

Comments: