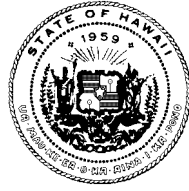


DAVID Y. IGE  
GOVERNOR



CATHY BETTS  
DIRECTOR

JOSEPH CAMPOS II  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 8, 2021

TO: The Honorable Senator Rosalyn H. Baker, Chair  
Senate Committee on Commerce & Consumer Protection

FROM: Cathy Betts, Director

SUBJECT: **SB 1135 – RELATING TO RENTAL DISCRIMINATION.**

Hearing: Wednesday, February 10, 2021, 9:30 a.m.  
Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this administration measure.

**PURPOSE:** The purpose of the bill creates a new chapter on "source of income" discrimination in rental transactions, adds definitions, and enforcement remedies by direct civil action.

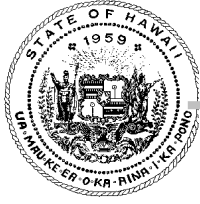
Prior to the pandemic, Hawaii had a housing shortage at all price points. Many residents have been economically impacted by the pandemic and are facing evictions pending the lifting of the moratorium on evictions based on the failure to pay rent. Consequently, more individuals and families are looking for more affordable housing and the lowest income households will be further pushed out of the market.

Hawaii's Section 8 voucher holders have the added requirement to find an available rental that will meet Section 8 program minimums. With landlords also impacted by the inability to collect rent, more tenancies are likely to be falling into disrepair. Instead of

repairing the unit, landlords will likely offer the unit to someone who does not have a Section 8 voucher – even though a voucher may be a source of consistent and reliable rental subsidy.

This proposal will prohibit such source of income discrimination and provide a civil remedy for renters to seek judicial relief. This proposal will bring Hawaii's rental market, in particular Honolulu's, into alignment with other major metropolitan areas, and help to ensure access to rental units to Hawaii's low income residents. As indicated in the preamble, most Section 8 voucher holders are women-lead households. This measure would have added impact to support women with children to secure stable housing or a civil remedy.

Thank you for the opportunity to provide comments on this measure.



# HAWAI‘I CIVIL RIGHTS COMMISSION

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

February 10, 2021  
Rm. 229, 9:30 a.m.

To: The Honorable Rosalyn H. Baker Chair  
The Honorable Stanley Chang, Vice Chair  
Members of the Senate Committee on Commerce and Consumer Protection

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

Re: S.B. No. 1135

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. 1135**, 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.

As the COVID-19 pandemic continues, its economic repercussions affect income and housing. In this crisis, it is even more important to prohibit discrimination based on source of income.

**HCRC has both supported and raised concerns about similar bills in the past, and this bill addresses those concerns. S.B. No. 1135 places the new prohibited practice in a new chapter of the HRS, with enforcement through direct civil action and provision for appropriate remedies. This addresses specific concerns raised by the HCRC in 2019 on a similar bill.**

**S.B. No. 1135 vs. S.B. No. 206 & S.B. No. 36**

We note that S.B. No. 1135 is substantively similar to S.B. No. 206 and S.B. No. 36, in their original forms. In almost every respect, S.B. No. 1135 provides the same protections as S.B. Nos. 206/36 by prohibiting discrimination against persons based on their source of income, and does so in a shorter, simpler, and clearer fashion. However, there is one substantive difference between this bill and those two bills – S.B. Nos. 206/36 both prohibit discriminatory “steering” while S.B. No. 1135 does not. “Steering” would encompass the practice of directing a prospective renter toward or away from a rental property based on their source of income. (*e.g.*, putting all Section 8 renters in one building or neighborhood and out of others).

**The HCRC supports S.B. No. 1135. If the legislature wants to add a protection**

**against discriminatory steering as discussed above, draft bill language is attached.**

**S.B. No. 1135 – HCRC PROPOSED “STEERING” BILL LANGUAGE (2-10-21)**

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

“Housing assistance program” means any government rental assistance program, including low-income housing assistance under the United States Housing Act of 1937, 42 U.S.C. § 1437f, as amended.

“Rental transaction” means any part of the process for the rental or lease of a premises for residential purposes.

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

**§ -2 Discriminatory practices in a rental transaction based on source of income.** (a) It is a discriminatory practice for a landlord to:

- (1) Indicate in any manner used to advertise the availability of a rental property that the landlord will not rent a property to a person participating in a housing assistance program;
- (2) Discourage in any manner a person from seeking to engage in a rental transaction based on the person’s participation in a housing assistance program;
- (3) Refuse to engage in a rental transaction with a person because of the person’s participation in a housing assistance program or requirements related to participation in a housing assistance program; [or]
- (4) Require rental conditions that are different from those required for a person not participating in a housing assistance program [.] or
- (5) To represent to a person participating in a housing assistance program

who is seeking to engage in a rental transaction that rental property is not available for rental when in fact it is available, or to fail to bring a rental property listing to the person's attention, or to refuse to permit the person to inspect rental property, or to steer a person seeking to engage in a rental transaction.

(b) Nothing in this section shall be deemed to prohibit a landlord from determining in a commercially reasonable manner the ability of a person to pay rent by:

- (1) Verifying the source and amount of income of the person; or
- (2) Evaluating the stability, security, and creditworthiness of the potential tenant or any source of income of the person.



## SB1135

### RELATING TO RENTAL DISCRIMINATION

Ke Kōmike ‘Aha Kenekoa o ka ‘Oihana Kālepa a me ka Ho‘omalū Mea Kemu

Pepeluali 10, 2021

9:30 a.m.

Lumi 229

The Office of Hawaiian Affairs (OHA) Beneficiary Advocacy and Empowerment Committee will recommend that the Board of Trustees **SUPPORT** SB1135, which seeks to prohibit landlords from discriminating against potential tenants who receive rental assistance, such as Section 8 housing vouchers. The proposed prohibition against discrimination will increase access to housing for Native Hawaiians and others receiving rental housing support, which may be especially critical in light of COVID-19’s impacts on our economy and affordable housing crisis.

**Landlords often discriminate against potential tenants who participate in rental assistance programs.** Studies have found that landlords are more likely to discriminate against, and deny housing to, people with rental assistance vouchers.<sup>1</sup> Anecdotally, housing listing sites such as Craigslist are rife with examples of landlords who brazenly seek to prohibit Section 8 voucher holders from even submitting a rental application. **Such discriminatory practices significantly limit housing opportunities for those who receive rental housing support, thereby limiting the impact of government investments in housing security for low-income individuals and families.**

**In contrast, studies have shown that individuals who rely on rental assistance vouchers are more likely to succeed in leasing a unit when they live in areas with voucher non-discrimination protections.** A recent large-scale, multi-site HUD study that examined landlord acceptance rates of vouchers as a way to measure differential treatment found a lower rate of voucher denial in jurisdictions with voucher non-discrimination protections.<sup>2</sup> Another study found that the probability of successfully using a voucher was more likely in jurisdictions with an anti-discrimination law such as that proposed in this bill.<sup>3</sup> **With anti-discrimination protections in place, people who receive housing assistance will be more likely to find stable housing, thereby increasing the impact of governmental investments in housing security, and better enabling recipients of housing assistance to achieve eventual financial self-sufficiency.**

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<sup>1</sup> U.S. DEP’T OF HOUSING AND URBAN DEVELOPMENT, A PILOT STUDY OF LANDLORD ACCEPTANCE OF HOUSING CHOICE VOUCHERS 69 (2018).

<sup>2</sup> *Id.* at 66 (2018).

<sup>3</sup> See Lance Freeman, *The Impact of Source of Income Laws on Voucher Utilization*, 22 HOUSING POL’Y DEBATE 297 (2012) available at <https://www.tandfonline.com/doi/abs/10.1080/10511482.2011.648210>.



**OHA notes that Native Hawaiians may particularly benefit from the discrimination protections proposed by this measure.** A recent study prepared for the Hawai'i Housing Finance and Development Corporation found that Native Hawaiians receive more rental assistance compared to non-Native Hawaiians.<sup>4</sup> By creating a statutory prohibition against discrimination based on rental assistance, Native Hawaiians and other marginalized individuals and families would likely receive greater access to stable housing, which is increasingly vital in light of COVID-19's likely economic impacts to the Native Hawaiian community.<sup>5</sup>

Stable and affordable housing is necessary for struggling individuals to attain better health, access education, and apply to better job opportunities. By increasing the likelihood of obtaining the housing they need and are qualified for, this measure will in help to ensure better lifestyle outcomes for Native Hawaiians and other marginalized people, especially those experiencing poverty. For these reasons, OHA respectfully urges the Committee to **PASS** SB1135.

Mahalo nui for the opportunity to testify.

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<sup>4</sup> SMS MARKETING RESEARCH & MARKETING SERVICES INC., HAWAI'I HOUSING PLANNING STUDY, 2019 74 (2019) available at [https://dbedt.hawaii.gov/hhfdc/files/2020/01/FINAL-State\\_Hawaii-Housing-Planning-Study.pdf](https://dbedt.hawaii.gov/hhfdc/files/2020/01/FINAL-State_Hawaii-Housing-Planning-Study.pdf).

<sup>5</sup> See Office of HAWAIIAN AFFAIRS, ISSUE BRIEF: COVID-19 AND NATIVE HAWAIIAN COMMUNITIES: NATIVE HAWAIIANS OVER-REPRESENTED IN COVID-19 AT-RISK POPULATIONS 2-3 (2020).

**SB-1135**

Submitted on: 2/8/2021 2:13:06 PM

Testimony for CPN on 2/10/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shirley David	Testifying for St. Michael the Archangel Parish	Support	No

Comments:

February 6, 2021

Senator Rosalyn H. Baker, Chair  
Senator Stanley Chang, Vice Chair

And members of the Commerce Consumer Protection Committee

SB1135 Creates a new chapter on "source of income" discrimination in rental transactions, adds definitions, and enforcement remedies by direct civil action. St. Michael's Legislative Advocacy Ministry **Supports** SB1135

The fact that prospective landlords can decide to whom they rent by their source of income is a major oversight in our laws. It bodes of the Jim Crow era of the past that allowed persons to include in their property titles language banning the sale of homes to those other than the Aryan race. I just learned that the house where I grew up in a suburb of Minneapolis had such a restriction. I was shocked. I'm sure my parents didn't even read the language when they signed the legal paperwork.

Allowing landlords to deny a family a safe place to live just because they have a section 8 voucher denies the fact the extra help given by this federal program allows a single mother to afford housing. There is no indication that federal assistance makes a family bad tenants. In fact, they are better tenants because most have non-profit supportive services to help them be successful. We have a major housing crisis in our state. Help struggling families move off

friends' couches and out of their cars. **Vote yes** when this bill comes up for your vote in committee and on the floor.

With Aloha,

Shirley David

Legislative Advocacy Ministry

St. Michael the Archangel Parish

Kailua Kona



49 South Hotel Street, Room 314 | Honolulu, HI 96813  
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION  
WEDNESDAY, 2/10/21, 9:30 AM, Room No. 229

SB1135 RELATING TO RENTAL DISCRIMINATION  
**Beppie Shapiro**, Legislative Committee, League of Women Voters of Hawaii

Chair BAKER, Vice-Chair CHANG, and Committee Members:

**The League of Women Voters of Hawaii supports this bill, which creates a new chapter on "source of income" discrimination in rental transactions, adds definitions, and enforcement remedies by direct civil action.**

The League of Women Voters of Hawaii supports fair and equitable public policies in all arenas; SB1135 provides such a policy in the rental housing market.

The effect of Hawaii's shortage of affordable housing is especially felt by individuals with very low incomes. Through the "Section 8" public rental assistance program, such individuals may have sufficient income, in the form of vouchers, to pay for rental housing. It has been observed, both nationally and in Hawaii, that landlords often resist renting to applicants who will use public financial assistance like Section 8 vouchers to pay their rent. This discrimination, based presumably in many cases on discriminatory assumptions about the responsibility and trustworthiness of individuals with incomes low enough to qualify for public assistance, unjustly deprives those individuals of an affordable residence.

SB1135 allows landlords to use all the screening methods they normally use to choose desirable tenants – the only requirement under this bill is that they do not refuse tenants on the basis of their eligibility for, or participation in, public housing assistance. Please pass this bill.

Thank you for the opportunity to submit testimony.



## SB 1135, RELATING TO RENTAL DISCRIMINATION

FEBRUARY 10, 2021 · SENATE COMMERCE AND  
CONSUMER PROTECTION COMMITTEE · CHAIR  
SEN. ROSALYN H. BAKER

**POSITION:** Support.

**RATIONALE:** Imua Alliance supports SB 1135, relating to rental discrimination, which creates a new chapter on "source of income" discrimination in rental transactions, adds definitions, and enforcement remedies by direct civil action.

Hawai'i is facing a looming eviction crisis. During COVID-19, unemployment skyrocketed to levels not seen since the Great Depression. A recent study found that our state is experiencing the slowest unemployment rate recovery in the nation, moreover, with our rate hovering at approximately 9 percent in December. Thousands of people who haven't lost their jobs have instead seen their employment hours and earnings slashed, as the economic downturn lingered throughout 2020 and into the new year.

Financial precarity has become the norm for many families, who are unable to pay their full rent and have accumulated rental debts. Currently, the state's eviction moratorium protects these families from being removed from their homes. Yet, the eviction moratorium will eventually expire as the public health emergency passes, leaving thousands of people at risk of losing their housing.

**Rental assistance discrimination will only make their plight worse as they try to navigate a path back to financial and housing security, especially for low-income families who already do or soon will be forced to rely on government assistance to survive.**

Today, **our state’s ongoing lack of affordable housing exacerbates the economic insecurity suffered by local families, which sex traffickers use to prey upon potential victims with false promises of financial stability and prosperity.** Hawai’i residents face the highest housing costs in the nation, at more than twice the national average. Researchers who authored the National Low Income Housing Coalition’s *Out of Reach 2020* report found that a full-time worker would need to earn \$38.76/hour to afford a two-bedroom apartment at fair market value in our state, with Honolulu experiencing a 67 percent increase in fair market rent between 2005 and 2015. Average rent for a two-bedroom unit surpassed \$2,000 in recent years, with minimum wage workers needing to log 117 hours per week to afford a modest one-bedroom apartment at fair market value and 153 hours per week to afford a two-bedroom—a number that is equivalent to working over 20 hours a day with no days off year-round. In the past five years alone, Honolulu rent has increased by more than 25 percent. While 42 percent of Hawai’i residents are renters (a number that does not include individuals and families renting outside of the regulated rental market), they earn an average wage of \$17.17/hour, according to NLIHC, scarcely enough to meet their basic needs.

One out of every four households in Hawai’i report that they are “doubling up” or are three paychecks or less away from being homeless, per the Hawai’i Appleseed Center for Law and Economic Justice. Additionally, over 60 percent of households are severely cost-burdened, following NLIHC data, meaning that they pay more than 30 percent of their income for housing costs, a number that rises to over 80 percent of extremely low-income households, with only 74 homes available for every 100 households earning 80 percent of their respective area’s median income.

**Notably, housing costs increased during the pandemic.** In Honolulu, median single-family home prices reached a record of \$880,000 last October, **driven largely by sales to residential property investors.** Unsurprisingly, our state is now experiencing population decline. Hawai’i saw domestic out-migration increase for a third consecutive year in 2019, as the state’s high cost of living continued to push people to the mainland. Census estimates show that our state’s population dropped by 8,866 people from July 2019 to July 2020, when births, deaths, and migration were accounted for. That population drop is nearly double the loss seen in 201,

when Hawai'i one of just ten states in the country to lose population, according to the U.S. Census Bureau. People are simply being priced out of paradise.

Without question, Hawai'i's lack of affordable housing exacerbates our state's homelessness crisis. In a recently released report, Chief Medical Examiner Dr. Masahiko Kobayashi said that 127 people who were considered homeless at the time of their deaths died on O'ahu in 2019, up from 120 deaths in 2018 and an increase of 46 percent from 2017 (87 deaths). Roughly 30 percent of children who are living on the streets will be approached for sexual exploitation within 48 hours of being away from home, according to the National Center for Missing and Exploited Children, with over 80 percent being approached for the commercial sex trade during the course of their time on streets. A federal study found that an estimated 38,600 runaway youth have been sexually assaulted, in the company of someone known to be sexually abusive, or engaged in sexual activity in exchange for money, food, or shelter.

Unsheltered keiki are perceived as easy targets for sex traffickers because they lack stable shelter, a supportive environment, and financial resources, placing them at greater risk of forced prostitution and sexual servitude. Traffickers exploit our limited number of available shelter beds to lure young people into exploitation. As the homeless childcare provider Covenant House observes, traffickers tell homeless youth that shelters are full and ask, "Where are you going to go? Why don't you come with me? I'll take care of you." Coupled with threats of and actual physical and sexual violence against the victims or their families, these coercive techniques compel runaway youth to remain enslaved.

LGBTQ youth, who comprise an estimated 40 percent of the runaway and homeless youth population in the United States, are exponentially more likely to fall prey to human traffickers because of discrimination, family and community trauma, and a longing for comfort and acceptance (an estimated 26 percent of LGBTQ adolescents are rejected by their families and put out of their homes simply for being open and honest about who they are). In providing care for victims of human trafficking, we have heard their stories hundreds of times.

We cannot continue to allow the islands to be used as a private Monopoly board for real estate speculators. To ensure that our islands are affordable for ourselves and future generations, we

must take bold action **now** to increase our affordable housing supply for working families and ensure that low-income families who are participating in our state’s rental market—and who are often Native Hawaiian, Micronesian, Pacific Islander, or other people of color—are not discriminated against simply for being poor.

**Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · [kris@imuaalliance.org](mailto:kris@imuaalliance.org)**





# HAWAII APPLESEED

## CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai‘i Appleseed Center for Law & Economic Justice  
In Support of SB 1135 – Relating to Rental Discrimination  
Senate Committee on Commerce and Consumer Protection  
Wednesday, February 10, 2021, 9:30 AM, conference room 229

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Dear Chair Baker, Vice Chair Chang, and members of the Committee:

Thank you for the opportunity to provide testimony in **SUPPORT** of **SB 1135**, which would prohibit discrimination against tenants based on the tenants’ source of income.

Non-discrimination protections such as what SB 1135 proposes are effective in helping ensure that tenants with income assistance are able to secure a rental unit. In the Section 8 Housing Choice Voucher context, studies have shown a lower rate of voucher denial in jurisdictions where such protections exist.<sup>1</sup> As of November 2020, 17 states had some form of protection for discrimination against HCV holders.<sup>2</sup>

SB 1135 would do much to ensure that households are not harmfully denied housing in spite of having access to resources to pay the rent.

We appreciate your consideration of this testimony.

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<sup>1</sup> Alison Bell *et al.*, “Prohibiting Discrimination Against Renters Using Housing Vouchers Improves Results Lessons From Cities and States That Have Enacted Source of Income Laws,” Center on Budget and Policy Priorities, December 20, 2018, <https://www.cbpp.org/sites/default/files/atoms/files/10-10-18hous.pdf>.

<sup>2</sup> Poverty & Race Research Action Council, “Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program—Appendix B: State, Local, and Federal Laws Barring Source-of-Income Discrimination,” November 2020, <https://www.prrac.org/pdf/AppendixB.pdf>.

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*The Hawai‘i Appleseed Center for Law and Economic Justice is committed to a more socially just Hawai‘i, where everyone has genuine opportunities to achieve economic security and fulfill their potential. We change systems that perpetuate inequality and injustice through policy development, advocacy, and coalition building.*

**SB-1135**

Submitted on: 2/9/2021 11:47:54 AM

Testimony for CPN on 2/10/2021 9:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaikea K. Blakemore	Testifying for Neighborhood Place of Puna	Support	No

Comments:

Expungement of criminal records related to homelessness is the humane thing to do. When a person is experiencing homelessness, basics that are often taken for granted, like being able to sleep, sit, own possessions or use the restroom, are criminalized wrongfully. Being unable to afford housing during an affordable housing crisis should never be a crime. When we create criminal records for homeless individuals for the crime of being poor, they become locked into a cycle of continued poverty and instability, where such records prevent them from coming up and out of difficult circumstances. If our goal is to truly rehabilitate people and have a healthy society, we should make it easy and possible for people to live dignified lives and to find stable housing. We records related to the decriminalization of homelessness be expunged immediately, so individuals experiencing homelessness have less barriers to housing in the future.

Mahalo,

Kaikea K. Blakemore

Community Development Specialist

Neighborhood Place of Puna

/

Awareness Chair

Community Alliance Partners

**TESTIMONY IN SUPPORT OF SB 1135**

**LATE**

TO: Senate Committee on Commerce & Consumer Protection

FROM: Nikos Leverenz  
Grants, Development & Policy Manager

DATE: February 10, 2021 (9:30 AM)

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Chair Baker, Vice-Chair Chang, and Members of the Committee:

Hawai'i Health & Harm Reduction Center (HHRC) **supports** SB 1135, 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.



CATHOLIC CHARITIES HAWAII

**LATE**

**TESTIMONY IN SUPPORT OF SB 1135: RELATING TO RENTAL DISCRIMINATION**

**TO:** Senate Committee on Commerce and Consumer Protection  
**FROM:** Rob Van Tassell, President and CEO, Catholic Charities Hawai'i  
**Hearing:** **Wednesday, 2/10/21; 9:30 am; via videoconference**

Chair Baker, Vice Chair Chang, and Members, Committee on Commerce and Consumer Protection:

Thank you for the opportunity to provide testimony **in support** of HB 1135, which creates a new chapter on “source of income” discrimination in rental transactions, adds definitions, and enforcement remedies by direct civil action. I am Rob Van Tassell, with Catholic Charities Hawai'i. We are also a member of Partners in Care (PIC). **This bill is a critical start to enabling Hawaii residents to have a fair chance to obtain very affordable long-term housing.**

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawai'i for over 70 years. CCH has programs serving elders, children, families, homeless, and immigrants. Our mission is to provide services and advocacy for the most vulnerable in Hawai'i. Catholic Charities Hawai'i has a long history of working in the areas of affordable housing and homelessness.

Catholic Charities Hawai'i helps many struggling families, elders, veterans and people who are homeless to find housing. When our clients obtain a Section 8 voucher is it like winning the lottery! Finally, they have hope to live in housing where they only have to pay 30% of their income on rent. Now they would have enough money for food, or medications, or helping their children to be educated and live a stable live. Unfortunately, many landlords will not accept Section 8 or other forms of subsidy which pay the landlord a monthly stipend. Not only are these tenants hit by the lack of affordable rentals, now they are told they cannot use the rental subsidy which could give them safe and decent housing.

We urge your committee to put renters with rental subsidies on the same footing as other rental applicants. This bill can also have a direct impact on single parents, especially the many lower income women with children. Source of income discrimination is sometimes a veiled form of discrimination against sex and family discrimination.

This bill is especially critical now since **President Biden's initiatives include appropriating \$28 Billion for 500,000 long term vouchers.** Hawai'i residents must not be shut off from these extremely valuable resources if approved by Congress.

We urge your support for this bill which so critical to house our vulnerable populations, such as elders, single moms and their children, and people facing homelessness.

Please contact our Legislative Liaison, Betty Lou Larson at (808) 373-0356 or [bettylou.larson@catholiccharitieshawaii.org](mailto:bettylou.larson@catholiccharitieshawaii.org) if you have any questions.



CLARENCE T. C. CHING CAMPUS • 1822 Ke'eaumoku Street, Honolulu, HI 96822  
Phone (808)373-0356 • [bettylou.larson@CatholicCharitiesHawaii.org](mailto:bettylou.larson@CatholicCharitiesHawaii.org)



February 10, 2021

**The Honorable Rosalyn H. Baker, Chair**

Senate Committee on Commerce and Consumer Protection  
Via Videoconference

**RE: S.B. 1135 Relating to Rental Discrimination**

**HEARING: Wednesday, February 10, 2021, at 9:30 a.m.**

Aloha Chair Baker, Vice Chair Chang, 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** Senate Bill 1135 which creates a new chapter on "source of income" discrimination in rental transactions, adds definitions, and enforcement remedies by direct civil action.

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 mandates unfair additional paperwork, inspections and processes, which is not required by other applicants.

As a result of this government red tape, housing providers participating in Section 8 are penalized for participation and must often forfeit their first month's rent in addition to having to wait 3 months or longer for a subsequent rental check. The current Section 8 process hurts both the housing provider and the tenant through no fault of their own. HAR believes the Section 8 process should be fixed first before any consideration of legislation.

Additionally, the issue of whether a property owner is engaged in a discriminatory practice, simply by choosing not 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.

Finally, HAR believes that the \$5,000 damages for a violation is excessive and will provide a financial incentive to file lawsuits, especially against unsuspecting mom-and-pop property owners who may be unaware of changes in the law. HAR believes appropriate penalties should reflect a goal towards education rather than punitive damages.

Mahalo for the opportunity to testify.

**SB-1135**

Submitted on: 2/7/2021 7:32:56 PM

Testimony for CPN on 2/10/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thaddeus Pham	Individual	Support	No

Comments:

CPN Committee Members:

As a concerned citizen and public health professional, I am writing in strong support of SB1135. This measure is important in the context of the ongoing COVID-19 pandemic, especially for single mothers and women, who are a vital part of Hawai'i's healthcare and economic force.

As such, I ask that you pass this bill.

With aloha,

Thaddeus Pham

**EXECUTIVE CHAMBERS**

HONOLULU

**LATE**

February 8, 2021

To: The Honorable Senator Rosalyn H. Baker Chair Senate Committee on Commerce and Consumer Protection

From: Yvonne Morin, BSW Student, Myron B. Thompson's School of Social Work and Public Health

Subject: **SB1135 – Relating to Rental Discrimination in Hawai'i**

Hearing: Wednesday, February 10, 2021, 9:30 a.m.  
VIA VIDEO CONFERENCE  
Conference Room 229, State Capitol

**POSITION:** My name is Yvonne Morin, I am a BSW student at the Myron B.

Thompson's School of Social Work and Public Health, of The University of Hawai'i at Manoa.

**PURPOSE:** The purpose of the bill is to support individuals by protecting them against discrimination of public assistance relating to rental discrimination in Hawai'i.

This bill shall support individuals by protecting them against discrimination from a landlord due to banning an individual and the landlord's unwillingness to accept a tenant based on the information provided by their source of income and assistance of a federal housing choice voucher program or voucher that is known as section eight.

Public assistance for federal housing assists individuals with housing needs and helps subsidize individuals who may be experiencing homelessness. Discrimination to tenants based on their source of income or choice to use federal aid, creates barriers and may contribute to the challenges of homelessness, a major concern for the state of Hawai'i. This has been an ongoing issue pre and post covid-19, but has risen due to many budget cuts along with the high costs of

living, real estate, and rental costs. This has created many vacant homes, desperately requiring tenants, but yet limitations on who may or may not be allowed to rent.

Honolulu, HI is currently not in compliance with a law that protects individuals from discrimination due to their source of income. A law to prohibit this type of advertising and discrimination in Hawai'i would allow for individuals to rent a home without stigma and limitations by choosing or requiring federal housing aid and fair treatment. If this bill is passed and moves forward to become a law, it will also contribute to current vacant homes, allowing for affordable housing, and helping support individuals who are currently living in temporary encampments or experiencing homelessness.

Thank you for the opportunity to testify on this bill.

Yvonne Morin

District number 1



**SB-1135**

Submitted on: 2/10/2021 10:33:35 AM

Testimony for CPN on 2/10/2021 9:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ikaika Sarkissian	Individual	Support	No

Comments:

Discrimination with section 8 applications must not be allowed. Please and Thank you.