

HAWAI‘I CIVIL RIGHTS COMMISSION

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

Monday, March 21, 2022
Via Videoconference, 2:00 p.m.
Room 329

To: The Honorable Aaron Ling Johanson, Chair
The Honorable Lisa Kitagawa, Chair
Members of the House Committee on Consumer Protection & Commerce

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

Re: S.B. No. 206, S.D.2, H.D.1

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. 206, S.D.2, H.D.1, but must raise concern over two of the H.D.1 amendments that would diminish the efficacy of the new law to meaningfully address the problem it is meant to remedy.

This bill 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.

The HCRC has both supported and raised concerns about similar bills in the past, and S.B. 206, S.D.2, addressed those concerns, placing the new prohibited practice in a new chapter of the HRS, with enforcement through direct civil action, with limited remedies including injunctive relief and attorney's fees

S.B. 206, S.D.2, H.D.1, amends the bill in two respects that raise substantial concerns:

1) it exempts “mom and pop” landlords from prohibition against discrimination based on source of income, the exemption applying to landlords who own (> 10% ownership interest) more than six units; and it eliminates the award of attorney’s fees from the remedies that a district court can order in a civil action when an injunction is issued to enjoin violation of the statute. The H.D.1 also reduces the \$5000 fine that a district court can assess for a violation to a maximum civil penalty of \$2,000 for a first violation, and \$2,500 for a subsequent violation.

The legislature may choose to exempt “mom and pop” landlords from coverage of the

statute, as the H.D.1 also does for landlords in “close living” situations (for a building that contains two housing accommodations, if the owner lives in one of them, and also for rental of a room in a house if the owner lives in the house). **However, the H.D.1 exemption creates a barrier for those who encounter prohibited discrimination based on source of income that will keep them from trying to enforce their rights under the law – simply put, there is no way for a person who is subjected to discrimination to know if a landlord owns more than six units.** The impact of the new protection on “mom and pop” landlords is better addressed, without undermining the purpose of the new law, by the § ___-3(3) exemption that allows a landlord to discriminate on the basis of source of income if source of income approval, including inspection of a unit, is not completed within 21 days.

The elimination of the award of attorney’s fees will limit access to the courts to seek legal remedy for violations, for these reasons: **Those who are affected by the prohibited discrimination will, by definition be low-income Section 8 voucher holders, and will as a class be unable to afford and retain an attorney to represent them; the absence of monetary damages as a remedy eliminates the possibility of contingency fee agreements as a means of retaining an attorney. If a victim of discrimination cannot afford an attorney, their only access to court may be pursuing a case on a *pro se* basis.** Where many, if not most, landlords will be represented by counsel, the law will create a built-in imbalance of power between pro se complainants and represented landlords, weighing against those seeking relief from prohibited discrimination.

The HCRC supports the bill, with these concerns about the two H.D.1 amendments that would undermine the intent of the bill and limit the access to legal remedy for violations, and urges the Committee to reconsider the concerning exemption and restore the award of attorney’s fees when a district court issues an injunction.

SB-206-HD-1

Submitted on: 3/18/2022 7:26:00 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robin Wurtzel	Hawai'i Civil Rights Commission	Support	Remotely Via Zoom

Comments:

I will be testifying on behalf of the Hawaii Civil Rights Commission which has submitted written testimony through a different account. Thank you for your understanding.

Robin Wurtzel/HCRC

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 21, 2022

The Honorable Representative Nadine K. Nakamura, Chair
House Committee on Housing
The Thirty-First Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Nakamura and Committee Members:

SUBJECT: SB206 SD2 HD1 Relating to Rental Discrimination

The Hawaii State Council on Developmental Disabilities offering comments regarding **SB206 SD2 HD1** 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.

Many individuals with intellectual/developmental disabilities (I/DD) benefit from Section 8 Housing Choice Voucher Program. Section 8 is a federally funded housing program that assists individuals with low-income, elderly, and or homeless persons afford a home to live in. For our individuals with I/DD, the section 8 program is the only way many can live independently and helps integrate them into our communities. In recent years we have seen more and more advertisements on places like "Craigslist" and other rental listing locations use the words "No Section 8" or a phrase similar to this, which immediately removes our I/DD community from a chance at these rental units. This language is discriminatory based on assumed behaviors of the population believed to use Section 8 Vouchers.

The Council prefers the SD2 version of this measure which provided stronger language and protections regarding rental discrimination. The exemptions added in the HD1 version would confuse tenants to who can and cannot legally discriminate against individuals on the Section-8 Voucher program and only ends rental discrimination for bigger rental businesses that own multiple properties. The only recourse, when discriminated against, is to sue, and typically the individuals this measure is intended to protect cannot afford lawyer fees. The only groups that can be sued for discrimination are larger rental businesses that can afford those lawyer fees. We hope the SD2 language can be reinserted into this measure.

SB206 Relating to Rental Discrimination
March 21, 2022
Page 2 of 2

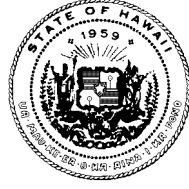
Thank you for the opportunity to submit testimony offering comments for **SB206 SD2 HD1**.

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus". The signature is written in a cursive style.

Daintry Bartoldus
Executive Administrator

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

March 20, 2022

TO: The Honorable Representative Aaron Ling Johanson, Chair
House Committee on Consumer Protection & Commerce

FROM: Cathy Betts, Director

SUBJECT: **SB 206 SD2 HD1 – RELATING TO RENTAL DISCRIMINATION.**

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the measure's intent but respectfully opposes the current draft. The Department prefers the SD2 as it includes more sources of income and consumer protections; as a compromise, DHS respectfully suggests that the Legislature restore the SD2 and add a sunset date to see if the measure adversely impacts landlords as the opposition surmised.

PURPOSE: The purpose of the bill is to prohibit discrimination, including in advertisements for rental property, in rental transactions based on participation in a section 8 housing choice program or any permanent supportive housing program or requirements related to participation in these housing assistance programs. Effective 7/1/2050. (HD1)

The SD1 amended the measure by:

- (1) Amending section 1 to further clarify this measure's importance;
- (2) Increasing the maximum penalty from \$500 to \$5,000; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

The SD2 amended the measure by inserting additional findings to further clarify this measure's importance.

The HD1 amended the measure by

- (1) Removing provisions related to blockbusting and other discrimination in real estate transactions based on participation in a housing assistance program or requirements related to participation in housing assistance programs;
- (2) Deleting the requirement that the Executive Director of the Hawaii Civil Rights Commission produce and publicize materials related to source of income discrimination in housing;
- (3) Narrowing the scope of rental discrimination based on source of income in the measure;
- (4) Establishing exemptions and amending the available remedies related to discriminatory practices in a rental transaction based on source of income;
- (5) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The Department opposes the HD1 amendments as it: removes relevant justifications and reference to the impact and experience of COVID-19 on the rental market; it reduces the sources of income that the measure will cover; it significantly waters down the sections on discriminatory practices and tenant remedies; it adds a new section on exemptions that includes a limit of a landlord's liability to one violation.

The HD1 (in brown) revised the definition of "Housing assistance program" as follows:

"Housing_ assistance program" means ~~any government assistance, grant, loan, or rental assistance program, including low-income~~ section 8 housing assistance certificates and vouchers under the United States Housing Act of 1937, as amended ~~choice voucher program or any permanent supportive housing program.~~

Though the bill's two opponents voiced concerns about the difficulty with working with Section 8 vouchers, the HD1 struck other income sources, left Section 8 vouchers, and added permanent supportive housing programs as applicable assistance programs. As drafted, the proposed measure would not protect residents who receive federal emergency rental and utility assistance or any other housing program assistance. For example, the HD1 would not apply to rental assistance recipients currently issued by the Hawaii Public Housing Authority or

First To Work participants if HB2233/ SB2130 becomes law.¹ The Legislature needs to support low-income residents to weather the continuing pandemic conditions and strengthen communities; renters should not face barriers to securing housing based on their source of income.

While paragraphs (a) through (c) of the new section on remedies is more than the current state of the law, paragraphs (d) through (f) go too far:

(d) No landlord shall be fined more than once for the same violation under this section.

(e) No party shall be awarded attorney's fees or costs in any action under this section.

(f) All fines collected under this section shall be deposited into general fund."

Paragraph (d) limits a landlord's liability to the first occurrence – this is a shield and not a deterrent to future behavior; attorneys fees and costs are a remedy often used by landlords and is prohibited here in paragraph (e); directing the fines collected to the general fund would not compensate the tenant for having suffered the discriminatory behavior.

There are numerous reports on the negative impacts of housing instability on the health and well-being of individuals and families. Housing instability also interferes with individuals' and families' ability to maintain employment and succeed in school. Notably, a 2016 study found amongst other things that,

"moving to a lower-poverty neighborhood significantly improves college attendance rates and earnings for children who were young (below age 13) when their families moved. These children also live in better neighborhoods themselves as adults and are less likely to become single parents," and "that offering low-income families housing vouchers and assistance in moving to lower-poverty neighborhoods has substantial benefits for the families themselves and for taxpayers. It appears important to target such housing vouchers to families with young children – perhaps even at birth – to maximize the benefits."²

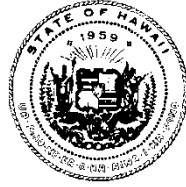
¹ HB2233 and SB2130 Relating To Temporary Assistance For Needy Families proposes to authorize the DHS to provide housing assistance subsidies of up to \$500 per month to Temporary Assistance for Needing Families and Temporary Assistance for Other Needing Families program participants participating in the First-To-Work program.

² Chetty, Raj, Nathaniel Hendren, and Lawrence Katz. 2016. "[The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Project.](https://scholar.harvard.edu/files/hendren/files/mto_paper.pdf)" American Economic Review 106 (4), found at https://scholar.harvard.edu/files/hendren/files/mto_paper.pdf

The SD2 is a preferable draft as low-income individuals and families need additional consumer protections and rental subsidies to maintain housing stability that strengthens families and communities.

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

DAVID Y. IGE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

STATE OF HAWAII

HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
POST OFFICE BOX 17907
HONOLULU, HAWAII 96817

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Monday, March 21, 2022

2:00 PM – Videoconference – Room 329, Hawaii State Capitol

In consideration of
SB 206, SD2, HD1
RELATING TO RENTAL DISCRIMINATION

Honorable Chair Johanson, and Members of the House Committee on Consumer Protection & Commerce, thank you for the opportunity to provide testimony concerning Senate Bill (SB) 206, SD2, HD1, relating to rental discrimination.

The Hawaii Public Housing Authority (HPHA) **supports** the enactment of SB 206, SD2, HD1, which prohibits discrimination, including in advertisements for rental property, in rental transactions based on participation in a section 8 housing choice program or any permanent supportive housing program or requirements related to participation in these housing assistance programs.

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 \$44.70 million dollars a year primarily on the island of Oahu, supports over 3,200 families and over 11,200 individuals.

Because of the much-anticipated appropriation of additional federal funding currently being negotiated in Congress, and the overwhelming need in our community to assist our low-income families, we are hopeful that with the passage of this measure, our current and future Section 8 HCV participants will be considered as tenants and given a chance to apply for vacant rental units in the private market.

In the last few years, the HPHA received feedback that many landlords advertise “No Section 8” and refuse to consider Section 8 participants because they believe that they will not be good tenants. After launching a “lease in place” preference at the end of 2020, we were surprised to learn that many landlords did not want to participate in the Section 8 program even though their current renters had been with them for many years. We discovered that many landlords prefer cash payments for tax purposes. While some landlords that currently participate in the Section 8 program have legitimate concerns that we’ve addressed, other landlords still refuse to consider Section 8 participants because of the stigma that they are not good tenants, and/or they prefer, due to cash advantages, cash payments instead of receiving the 1099 that we are required to send.

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 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.

Please know that this measure affects all poor families and individuals participating in the Section 8 program, while only affecting a few realtors/landlords, and the effects of discrimination are not proportionate when you have women and children sleeping on the streets while most landlords are sleeping in the comfort of their home waiting for a check that will be in an amount that is retroactive from the date of the lease being signed. Section 8 applicants have nothing to do with the fact that the Federal government imposes certain rules to protect taxpayer dollars, and those issues should be specifically addressed with Hawaii’s Congressional delegation to request to amend them.

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



EXECUTIVE CHAMBERS
HONOLULU

March 22, 2022

TO: The Honorable Representative Aaron Ling Johanson, Chair
House Committee on Consumer Protection and Commerce

FROM: Scott Morishige, MSW, Governor's Coordinator on Homelessness

SUBJECT: **SB 206 SD2 HD1 – RELATING TO RENTAL DISCRIMINATION**

Hearing: March 21, 2022, 2:00 p.m.
VIA VIDEO CONFERENCE
Hawaii State Capitol, Conference Room 329

POSITION: The Governor's Coordinator on Homelessness supports the intent of this measure and prefers the language in the SD2.

If this measure proceeds, the Coordinator respectfully requests that the SD2 language be restored and agrees with suggested amendments by the Department of Human Services (DHS) to insert a sunset date to evaluate the effectiveness of source of income protections.

PURPOSE: The purpose of the bill is to prohibit discrimination, including in advertisements for rental property, in rental transactions based on participation in section 8 housing choice program or any permanent supportive housing program or requirements related to participation in these housing assistance programs.

The House Committee on Housing amended this bill by:

- (1) Removing provisions related to blockbusting and other discrimination in real estate transactions based on participation in a housing assistance program or requirements related to participation in housing assistance programs;
- (2) Deleting the requirement that the Executive Director of the Hawaii Civil Rights Commission produce and publicize materials related to source of income discrimination in housing;
- (3) Narrowing the scope of rental discrimination based on source of income in the measure;

- (4) Establishing exemptions and amending the available remedies related to discriminatory practices in a rental transaction based on source of income;
- (5) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The Coordinator prefers the language in the SD2, which provides stronger protections and penalties related to source of income discrimination. As currently drafted, the bill specifies a number of exemptions and reduces the penalty for a violation from \$5,000 to no more than \$2,000. Additionally, the current language in the bill would not prohibit discrimination against tenants who receive housing assistance through the State rent supplement program, federal Emergency Rental Assistance (ERA) from the U.S. Treasury, or other housing subsidies such as HOME Tenant Based Rental Assistance (TBRA). If this measure proceeds, the Coordinator respectfully requests that the Legislature restore the language in the SD2.

Source of income discrimination protections for renters is a priority of the Hawaii Interagency Council on Homelessness (HICH) for the 2022 legislative session. During the ongoing COVID-19 pandemic, reluctance to rent to clients in housing assistance programs has adversely impacted the utilization of new federal resources, such as U.S. Department of Housing and Urban Development Emergency Housing Vouchers (EHVs) and U.S. Department of Treasury Emergency Rental Assistance (ERA).

For example, per a [February 2022 article in the Honolulu Star-Advertiser](#), the number of unused Section 8 vouchers issued by the Hawaii Public Housing Authority (HPHA) increased from only 10 in 2017 to 68 in 2021. With limited search periods to "lease up" with a voucher of normally 60- or 90-days, refusal to accept a housing voucher results in individuals losing their rental assistance and prolongs situations of housing insecurity and homelessness.

Strong source of income discrimination protections will address a key barrier to housing for many low-income and homeless individuals and families throughout the state, such as former foster youth, single mothers with minor children, veterans, individuals fleeing domestic violence, and the elderly. Connecticut, Maine, Massachusetts, New Jersey, North Dakota, Oklahoma, Oregon, Utah, Vermont, Washington, and Washington, D.C., have adopted statutes that prohibit rental discrimination based on the source of income, including housing vouchers.

Data from other communities demonstrate that housing voucher utilization increases when source of income discrimination or housing voucher discrimination policies are adopted. For example, a 2011 U.S. Department of Housing and Urban Development policy brief, [*The Impact of Source of Income Laws on Voucher Utilization and Locational Outcomes*](#), found voucher utilization rates increased by between 4 to 11% in communities with source of income discrimination policies compared to communities that did not have these policies. A more recent [2018 study by the Urban Institute](#) found dramatically lower rates of discrimination against households receiving housing choice vouchers in two areas – New Jersey and Washington, D.C. – that have strong source of income protections.¹

Locally, homeless service providers have reported that many landlords are reluctant to rent to individuals who receive housing assistance through a Section 8 Housing Choice Voucher or other subsidies such as permanent supportive housing or ‘Housing First’ programs. A number of advertisements for housing specifically state “No Section 8” or “No Vouchers.” The stories and feedback related to source of income discrimination and challenges related to finding landlords open to housing assistance are captured online in interviews with landlords, service providers, and homeless individuals at: <https://homelessness.hawaii.gov/landlord-engagement>. One potential tenant experiencing homelessness on Hawaii island reported being unable to locate a landlord willing to accept her housing voucher despite actively searching for a rental unit over a nine-month period.

The Coordinator understands that addressing ‘source of income’ discrimination is just one piece of a more comprehensive effort to address homelessness and housing instability. In addition to prioritizing the reduction of upfront housing barriers, the HICH advocates for low-income housing development for individuals transitioning out of homelessness, supports landlord incentive programs, and supports expanding programs that assist key homeless sub-populations (e.g., unsheltered youth, adults with severe mental illness, etc.). For more information about the 2022 HICH policy priorities, please visit

¹ Report available at: <https://www.urban.org/research/publication/pilot-study-landlord-acceptance-housing-choice-vouchers>

<http://homelessness.hawaii.gov/wp-content/uploads/2022/01/GCH-Legislative-Priorities-2022-Overview.pdf>.

Thank you for the opportunity to testify on this bill.

SB-206-HD-1

Submitted on: 3/18/2022 4:30:27 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawaii	Support	In Person

Comments:

Aloha Representatives,

The Stonewall Caucus of the Democratic Party of Hawai‘i (formerly the LGBT Caucus) Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 206 SD 2 HD 1.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair and SCC Representative
Stonewall Caucus for the DPH



HAWAI'I STATE
COALITION AGAINST
DOMESTIC VIOLENCE

March 21, 2022

Members of the House Committee on Consumer Protection & Commerce:

Chair Aaron Ling Johanson
Vice Chair Lisa Kitagawa
Rep. Henry J.C. Aquino
Rep. Sharon E. Har
Rep. Mark J. Hashem
Rep. Sam Satoru Kong

Rep. John M. Mizuno
Rep. Dee Morikawa
Rep. Richard H.K. Onishi
Rep. David A. Tarnas
Rep. Lauren Matsumoto

Re: SB206 SD2 HD1 Relating to Rental Discrimination

Dear Chair Johanson, Vice Chair Kitagawa, and Members of the House Committee on Consumer Protection & Commerce:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) advances the safety and healing of victims, survivors and their families. We are the collective voice of a diverse network of organizations and individuals, working to eliminate all forms of domestic violence in Hawai'i by fostering partnership, increasing awareness of domestic violence, developing the capacity our member programs and community partners to address the needs of survivors and their families, and advocating for social justice and change.

On behalf of HSCADV and our 26 member programs statewide, we **support the intent of SB206 SD2 HD1, and prefer the language in SD2**. We are concerned that the language in this version of the bill would dilute the impact of the protections. Additionally, there are concerns that the exemptions included in this draft would make it difficult for a tenant to know if they are a victim of discrimination. Finally, without the possibility of recovering attorney fees, tenants may not pursue remedies, or attorneys may not take these cases.

Legislation against rental discrimination is extremely important for survivors of domestic violence and their families. [Thirty-eight percent of all domestic violence victims become homeless](#) at some point in their lives, and [57% of homeless women reported that domestic violence](#) was the immediate cause of their homelessness. **Our member programs working with clients to secure permanent housing report that landlords are unwilling to even consider housing vouchers, and some have even increased the rental rates when presented with these vouchers.**

Hawai'i struggles with one of the highest rates of homelessness in the country, due in large part to the high cost of living and lack of affordable housing in the state. Housing assistance programs like the federal Section 8 Housing Choice Voucher Program are an essential means of alleviating high rental costs for struggling families—and in turn fighting our state's housing crisis. However, the Section 8 program relies on private landlords' willingness to rent to participating individuals and discrimination



HAWAI'I STATE
COALITION AGAINST
DOMESTIC VIOLENCE

based on source of income like voucher programs is rampant and well-documented. It is far too common to see declarations of “No Section 8” on rental advertisements.

This practice has a devastating impact on survivors of domestic violence and their families; approximately [one in four women experience sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime](#). Further, [eighty-three percent of households participating in the Section 8 Housing Choice Voucher Program are led by women](#).

Thank you for the opportunity to submit this written testimony.

Sincerely,

Angelina Mercado, Executive Director

SB-206-HD-1

Submitted on: 3/19/2022 3:33:52 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristen Alice	Community Alliance Partners	Comments	Remotely Via Zoom

Comments:

Aloha,

My name is Kristen Alice and I am offering on behalf of Community Alliance Partners, a coalition working to end homelessness on Hawai'i Island. CAP supports earlier drafts of this bill, however, **SB206 HD1 as written has loopholes that would render it largely ineffective.** Additionally, this draft would make seeking redress for discrimination cost prohibitive. Therefore, Community Alliance Partners **requests amendments restoring the language in SB206 SD2**, with special attention to the following:

- 1) The **full prohibition of discrimination** based on a renter's housing voucher status and;
- 2) The enforcement of the prohibition of this practice through private civil action in court with damages that are high enough to dissuade the practice, including compensation for legal fees.

As a reminder, the language used in **SB206 SD2** would not mandate that landlords rent to voucher holders, nor would it give voucher holders preference over others. What it would do is prohibit landlords from refusing to rent to a voucher holder solely on the basis of their voucher status. Passing this bill is the least we can do for our neighbors who can't afford our record breaking housing prices and have no choice but to rely on a voucher. It's also the least we can do for taxpayers, who bear the cost of extended shelter stays and other state-funded services needed by those who have been discriminated against.

Please help us overcome this serious barrier to permanent housing by **restoring the language of SB206 SD2.**

Mahalo for the opportunity to testify.

Kristen Alice

Vice Chair and Chief Advocate

Community Alliance Partners



CATHOLIC CHARITIES HAWAI'I

COMMENTS on SB 206, SD2, HD1: RELATING TO RENTAL DISCRIMINATION

TO: House Committee on Consumer Protection & Commerce
FROM: Rob Van Tassell, President and CEO, Catholic Charities Hawai'i
Hearing: **Monday, 3/21/22; 2:00 PM; via videoconference**

Chair Johanson, Vice Chair Kitagawa, and Members, Committee on Consumer Protection & Commerce:

Thank you for the opportunity to provide **Comments on SB 206, SD2, HD1**, which prohibits discrimination in rental transactions based on participation in Section 8 or any permanent supportive housing program or requirements of these programs. I am Rob Van Tassell, with Catholic Charities Hawai'i. We are also a member of Partners In Care (PIC).

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawai'i for over 75 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.

While we support previous drafts of this bill, the exemptions added in HD1 would dilute the impact of the protections. We prefer the language in SB 206, SD2. We are concerned that the exemptions in HD1 would make it difficult for applicants to know if a landlord is actually exempt or is illegally discrimination against them. Without allowing attorney's fees to be paid, few tenants could afford to go to court, where the larger landlords would be represented by lawyers. Other bills are moving in the legislature to address landlord concerns for timeliness, rental losses, damages, etc. We urge this bill to address the concerns of tenants and fear of homelessness and to add a strong prohibition against discrimination due to rental assistance.

Section 8 is one of the most successful programs to reduce poverty and stabilize families. It brings tens of millions of dollars into our state. To end homelessness, to give our elders or veterans a chance for safe and decent housing, to enable ALICE families who have Section 8 a chance to remain in Hawaii, for these and so many others who need a rental unit, **we urge you to amend this bill with language from SB 206, SD2, particularly focusing on: the full prohibition of discrimination, and the enforcement via private civil action in court with damages that are high enough to dissuade the practice, including compensation for legal fees.**

This bill could be a critical step forward in enabling Hawaii residents to have a fair chance to obtain affordable long-term housing. Landlords could continue to evaluate applicants based on their ability to pay rent, credit worthiness, etc. But rental applicants should have a chance to tell both a big or small landlord about themselves and the benefits that come with these programs. 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 sex and family/children discrimination.



Catholic Charities Hawai`i helps many struggling families, elders, veterans and people who are homeless or struggling on the edge to find housing. When our clients obtain a Section 8 voucher it is 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 currently find that they cannot use the rental subsidy which could give them safe and decent housing.

Honolulu is one of the largest metropolitan areas in the US that does not prohibit this practice. In areas that prohibit this type of discrimination, renters with housing vouchers are 12% more likely to obtain housing than in areas that do not prohibit this discrimination. Hawai`i needs all the help it can get to stably house our residents and to end homelessness! Hawai`i residents must not be shut off from these extremely valuable resources.

We urge your support to amend this bill which is so critical to help house our vulnerable populations and struggling families. Please contact our Legislative Liaison, Betty Lou Larson at (808) 373-0356 or alohabettylou@hotmail.com if you have any questions.

PARTNERS IN CARE

Oahu's Continuum of Care

Our mission is to eliminate homelessness through open and inclusive participation and the coordination of integrated responses.

COMMENTS for SB 206, SD2, HD1: RELATING TO RENTAL DISCRIMINATION

TO: House Committee on Consumer Protection & Commerce
FROM: Partners In Care (PIC)
Hearing: **Monday, 3/21/22; 2:00 PM; via videoconference**

Chair Johanson, Vice Chair Kitagawa, and Members, Committee on Consumer Protection & Commerce:

Thank you for the opportunity to provide **Comments on SB 206, SD2, HD1** which would prohibit discrimination, based on participation in a housing assistance program or requirements related to these programs. Partners In Care (PIC), a coalition of more than 60 non-profit homelessness providers and concerned organizations, works on Oahu to end homelessness.

Partners In Care works with landlords in our Housing Now program. We have successfully placed over 300 families into permanent housing, many utilizing rental assistance programs. We have seen the benefits both to stabilize rents for the formerly homeless tenants and the landlords. However, we and all of our service providers also have a very difficult time helping holders of housing vouchers to actually find a landlord who will consider this valuable resource. Families can search for months without finding a landlord willing to consider their housing vouchers.

Partners In Care strongly supports prohibiting discrimination by landlords of rental housing based on applicants' participation in a rental assistance program. **Honolulu remains one of the largest metropolitan areas in the United States that does not have a state or local prohibition on this practice, which may inadvertently be contributing to our high levels of housing insecurity.** We ask that you give families a fair shot at finding housing.

PIC strongly supports earlier drafts of this bill, however, SB 206 HD1 has loopholes that would make it ineffective and difficult to hold landlords accountable for discrimination. We request that you amend this bill to **restore the language of SB 206 SD2 to:**

- 1) Fully prohibit discrimination based on an applicant's housing voucher status and,
- 2) Provide enforcement of this prohibition through private civil action in court with damages high enough to dissuade this practice, including compensation for legal fees.

This bill should enable households with housing assistance to apply for rentals and be judged on the same tenancy qualifications as other applicants instead of being judged only on their housing voucher. It would not change the current standards of the industry and would allow landlords to verify income sources and evaluate prospective tenants like they would other tenants, including based on creditworthiness.

The State must encourage greater participation in comprehensive housing programs that stabilize our local families and increase upward social mobility, while directly addressing Hawai'i's housing and homelessness challenges. We urge you to amend SB 206 SD2 HD1.

Bob Wardlaw, Advocacy Chair, PARTNERS IN CARE, OAHU'S CONTINUUM OF CARE
200 North Vineyard Boulevard • Suite 210 • Honolulu, Hawaii 96817 • (808) 285-4451 •
PICadvocate@gmail.com



LGF Consulting Hawaii

808.854.9629

lgfconsultinghawaii@gmail.com

March 20, 2022

Hearing: CPC 3/21/22 @2pm SB206 SD2 HD1, Relating to Rental Discrimination

Aloha,

My name is Lori Ferrin and I am offering testimony as a member of Community Alliance Partners, a coalition working to end homelessness on Hawai'i Island. CAP supports earlier drafts of this bill, however, SB206 HD1 as written has loopholes that would render it largely ineffective. Additionally, this draft would make seeking redress for discrimination cost prohibitive. Therefore, Community Alliance Partners requests amendments restoring the language in SB206 SD2, with special attention to the following:

- 1) The full prohibition of discrimination based on a renter's housing voucher status and;
- 2) The enforcement of the prohibition of this practice through private civil action in court with damages that are high enough to dissuade the practice, including compensation for legal fees.

As a reminder, the language used in SB206 SD2 would not mandate that landlords rent to voucher holders, nor would it give voucher holders preference over others. What it would do is prohibit landlords from refusing to rent to a voucher holder solely on the basis of their voucher status. Passing this bill is the least we can do for our neighbors who can't afford our record-breaking housing prices and have no choice but to rely on a voucher. It's also the least we can do for taxpayers, who bear the cost of extended shelter stays and other state-funded services needed by those who have been discriminated against.

Please help us overcome this serious barrier to perm

Mahalo,

Lori Ferrin

March 21, 2022

The Honorable Aaron Ling Johanson, Chair

House Committee on Consumer Protection & Commerce
Via Videoconference

RE: Senate Bill 206, SD1, Relating to Rental Discrimination

HEARING: Monday, March 21, 2022, at 2:00 p.m.

Aloha Chair Johanson, Vice Chair Kitagawa, 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 11,000 members. HAR **opposes** Senate Bill 206, SD2, HD1, which prohibits discrimination, including in advertisements for rental property, in rental transactions based on participation in a section 8 housing choice program or any permanent supportive housing program or requirements related to participation in these housing assistance programs.

HAR believes that government subsidized housing assistance programs, such as Section 8, are an important part of our community's social safety net. HAR would note that government assistance housing programs were created to be optional to participate in by both the housing provider and the tenant. As such, the focus should be on how we can make this program on par or even better than a regular market rental.

For example, the section 8 process mandates additional paperwork, inspections and processes, which is not required by other non-section 8 applicants. As a result, housing providers participating in section 8 often forfeit their first month's rent in addition to having to wait up to 3 months or longer for a subsequent rental check. As housing providers may have mortgages on their rentals, they may not be able to wait that long.

By removing these barriers will make the program more attractive for housing providers to participate in and help tenants find a place to call home more quickly. Senate Bill 2504, SD2, HD1 helps to address many of those challenges and should be considered first in lieu of this measure.

Mahalo for the opportunity to testify.

SB-206-HD-1

Submitted on: 3/20/2022 1:35:34 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michele Mitsumori	Community Alliance Partners	Comments	Written Testimony Only

Comments:

Aloha,

My name is Michele Mitsumori, and I am offering testimony on behalf of Community Alliance Partners, a coalition working to end homelessness on Hawai'i Island. CAP supports earlier drafts of this bill, however, SB206 HD1 as written has loopholes that would render it largely ineffective. Additionally, this draft would make seeking redress for discrimination cost prohibitive. Therefore, Community Alliance Partners **requests amendments restoring the language in SB206 SD2**, with special attention to the following:

- 1) **The full prohibition of discrimination based on a renter's housing voucher status** and;
- 2) **The enforcement of the prohibition of this practice through private civil action in court with damages that are high enough to dissuade the practice**, including compensation for legal fees.

As a reminder, the language used in SB206 SD2 would not mandate that landlords rent to voucher holders, nor would it give voucher holders preference over others. What it would do is prohibit landlords from refusing to rent to a voucher holder solely on the basis of their voucher status. Passing this bill is the least we can do for our neighbors who can't afford our record breaking housing prices and have no choice but to rely on a voucher. It's also the least we can do for taxpayers, who bear the cost of extended shelter stays and other state-funded services needed by those who have been discriminated against.

Please help us overcome this serious barrier to permanent housing by restoring the language of SB206 SD2.

Mahalo for the opportunity to testify.



Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: House Committee on Consumer Protection & Commerce

Re: **SB 206, SD2, HD1 - Relating to rental discrimination**
Hawai'i State Capitol, via Videoconference, Conference Room 329
March 21, 2022, 2:00 PM

Dear Chair Johanson, Vice Chair Kitagawa, and Committee Members,

On behalf of Hawai'i Children's Action Network Speaks!, I am submitting COMMENTS on SB 206, SD2, HD1 relating to rental discrimination. This bill would prohibit discrimination, including in advertisements for available real property, based on participation in a section 8 housing choice program or any permanent supportive housing program or requirements related to participation in these housing assistance programs.

We respectfully request that you restore the language of SB 206, SD2, as the exemptions that were added to it would weaken the effectiveness of the renters' protections that are in this bill.

It is well known that Hawai'i has the highest housing costs in the nation. According to the National Low-Income Housing Coalition, the "housing wage" needed to afford a one-bedroom apartment in Hawai'i in 2021 was \$28.86. Meanwhile, the average renter's wage didn't even come close, at \$17.56 per hour.¹

That's why housing vouchers are arguably more important in Hawai'i than in any other state. Housing vouchers help low-income renters – especially families with children – afford housing by providing vouchers that they can spend on rent. But many landlords discriminate against housing voucher holders by refusing to rent to them.

It is also well established that housing instability has harmful effects on children's health and educational outcomes.² In other words, housing voucher discrimination is not just a contributing factor to Hawai'i's homelessness and housing affordability crises, but it also has long-term effects on our keiki's future success.

For the reasons above, HCAN Speaks! believes that our state should join the growing number of jurisdictions across the country have prohibited housing voucher discrimination, with a strong law that has effective protections for renters.³ That would mean restoring this bill to the language of SB 206, SD2.

Mahalo for the opportunity to provide this testimony.

Thank you,
Nicole Woo, Director of Research and Economic Policy

¹ <https://reports.nlihc.org/oor/hawaii>

² <https://housingmatters.urban.org/articles/how-housing-affects-childrens-outcomes>

³ <https://www.cbpp.org/research/housing/prohibiting-discrimination-against-renters-using-housing-vouchers-improves-results>

SB-206-HD-1

Submitted on: 3/18/2022 11:06:58 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christy MacPherson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Johanson, Vice Chair Kitagawa and members of the House Committee on Consumer Protection & Commerce,

As a former homeless provider who assisted families in finding housing for over a decade, I am in **STRONG SUPPORT** of SB206 SD2 HD1. It is hard enough for families to secure housing without all of the inexcusable barriers that they need to overcome. Let's eliminate as many of those barriers as possible. This bill is important.

Mahalo for your consideration.

To: Rep. Aaron Ling Johanson, Chair
Rep. Lisa Kitagawa, Vice Chair
Committee on Consumer Protection & Commerce

From: Jacqueline Mulder

RE: SB206 SD2 HD1 Relating to Rental Discrimination - support

Hearing: Monday, March 22, 2022, at 2:00 pm by video conference

Aloha Chair Johanson, Vice Chair Kitagawa, and Members of the Committee,

Mahalo for the opportunity to provide testimony in support of bill SB206, relating to rental discrimination.

I am a current social work student at the Thompson School of Social Work working on my bachelor's degree. I am blessed to have an affordable place to live and able to make it with the means that we have in my family, but I also know that not everyone is that lucky. I know from personal experience that hard times can fall on you, which happened to me back in 2009 when I became a single mother. I was blessed to find a place for my son and me that I could afford with the bit of money I made at that time. I did not qualify for section 8 due to my immigration status, but I found a landlord who was willing to work with me.

I am originally from the Netherlands and moved to Hawaii in 2007. In the Netherlands, I received an equivalent of what is here section 8. After moving here and becoming a single parent in 2009, I found out that there are limited section 8 vouchers and that many landlords do not accept these vouchers. Housing prices are already insane, and looking on social media and craigslist for housing can be depressing and discouraging. Many of these listings state that they do not accept section 8 vouchers. There is a time limit on finding a house after being granted the section 8 voucher, and many people lose their vouchers due to not being able to secure a rental before their time runs out.

As I mentioned, I am originally from the Netherlands, and it has boggled my mind how landlords in Hawaii can deny section 8 vouchers. These vouchers can help people get back on their feet. At this time, I am doing my fieldwork with an organization that supports our homeless population, and I have learned that there are homeless people with section 8 vouchers that have not been able to secure a house. It is hard to get back on your feet while living on the streets, and because they might have section 8 vouchers doesn't mean they are lazy and not willing to improve their lives. We can't judge a book by its cover and can't know what they have been through and what brought them to this situation.

This bill is an excellent first step in the right direction when landlords cannot discriminate against Section 8 voucher holders and might give people a chance to get off the street and back

on their feet. With the low wages compared to the cost of living, this bill will be a step in the right direction to help our lower-income families out and make it easier for them to find suitable housing for themselves.

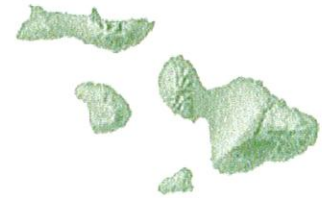
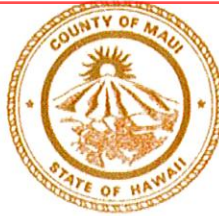
Mahalo for this opportunity to testify,

Jacqueline Mulder

MICHAEL P. VICTORINO
Mayor

LORI TSUHAKO
Director

LINDA R. MUNSELL
Deputy Director




DEPARTMENT OF HOUSING
& HUMAN CONCERNS
COUNTY OF MAUI
2200 MAIN STREET, SUITE 546
WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 270-7805

LATE

March 21, 2022

TO: The Honorable Aaron Ling Johanson, Chair
House Committee on Consumer Protection & Commerce

FROM: Lori Tshako, LSW, ACSW, Director 
County of Maui, Department of Housing and Human Concerns

SUBJECT: **SB206 SD2 HD1– RELATING TO RENTAL DISCRIMINATION**

Thank you for the opportunity to provide written testimony in support with amendments to SB206 SD2 HD1. The purpose of the bill is to prohibit discrimination, including in advertisements for real property, based on participation in housing assistance programs or requirements related to participation in these housing assistance programs.

Those who receive housing assistance through a Section 8 Housing Choice Voucher or other subsidies such as permanent supportive housing or “Housing First” programs are an important part of the State’s efforts in addressing the affordable housing needs of our low-income families. The only caveat is that the program works if and only if landlords are willing to accept the subsidies and rent their units to voucher holders.

The County of Maui is in support of earlier drafts of this bill. SB206 HD1 as written has loopholes that would render it largely ineffective (as this draft would make seeking redress for discrimination cost prohibitive). We ask for consideration of several exemptions being allowed to further enable those island residents who hold housing vouchers (housing subsidies) to be able to locate safe, affordable housing units:

- 1) The full prohibition of discrimination based on a renter’s housing voucher status; and
- 2) The enforcement of the prohibition of this practice through private civil action in court with damages that are high enough to dissuade the practice, including compensation for legal fees.

The Honorable Aaron Ling Johanson, Chair
House Committee on Consumer Protection & Commerce
March 21, 2022
Page 2

The language used in SB206 SD2 would not mandate that landlords rent to voucher holders, nor would it give voucher holders preference over others; it would prohibit landlords from refusing to rent to a voucher holder solely on the basis of their voucher status.

This measure will address a key barrier to housing for many low-income and homeless individuals and families throughout the state. Therefore, we ask for the Legislature's consideration of the amendments restoring the language in SB206 SD2 as stated above.

LATE

SB-206-HD-1

Submitted on: 3/20/2022 2:27:40 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl N Prince	Ko`olaupoko Hawaiian Civic Club	Support	Written Testimony Only

Comments:

The Ko`olaupoko Hawaiian Civic Club supports SB206 SD2 HD1 with significant reservations based on the changes inserted in HD1. The language in the [SD2](#) of the bill is preferred because the exemptions included in the HD1 dilute the impact of the protections. Some additional concerns raised about the exemptions are that it would likely make it difficult for prospective tenants to know if a landlord is illegally discriminating against them and also that without attorney's fees, not many attorneys would take these cases yet since the HD1 would only apply to larger landlords, the landlords likely would be represented by an attorney.

We urge you to remedy these issues and move forward with providing real protection for Hawaii residents seeking to provide decent housing for their `ohana..



Hawai'i

LATE

Committees: Committee on Consumer Protection & Commerce
Hearing Date/Time: 2:00pm, March 21, 2022
Place: Via Videoconference / Conference Room 329
Re: Testimony of the ACLU of Hawai'i in Support of S.B. 206, S.D. 2, H.D. 1 with Amendments, Relating to Rental Discrimination

Dear Chair Johanson, Vice Chair Kitagawa, and members of the Committee:

The American Civil Liberties Union of Hawai'i writes **in support of S.B. 206, S.D. 2, H.D. 1.**, but **strongly urges the Committee to incorporate amendments which would return the bill to the language used in its prior version, S.B. 206, S.D. 2.**

This bill prohibits discrimination in certain rental transactions based on an individual's participation in a housing assistance program. If passed, S.B. 206, S.D. 2, H.D. 1 would serve as a baseline step forward in the source-of-income discrimination realm for Hawai'i. However, the current draft as written **removed several features of the original bill that are critical to implementing meaningful reform**, including:

- 1) Comprehensive prohibitions on discriminatory practices: S.B. 206, S.D. 2 delineated specific circumstances and conduct that is disallowed in a much more detailed, comprehensive manner. This included, for example, provisions on source-of-income discrimination in negotiation (S.B. 206, S.D. 2 § 2(a)(4)), representation (§ 2(a)(5)), retaliation against individuals for their exercise of the right (§ 4(1)), intimidation (§ 4(5)), interference (§ 4(3)), and blockbusting (§ 3). This level of detail is **necessary to ensure that source-of-income discrimination is prohibited in all shapes and forms, both explicit and implicit—not just in limited circumstances**. It also provides more clarity to interested parties about what specific type of conduct is prohibited.
- 2) Effective remedies: S.B. 206, S.D. 2 included a higher monetary penalty of \$5,000. Critically, it also included allowance for reasonable attorney's fees in an action brought under the bill's provisions (§ 5). By contrast, as written S.B. 206, S.D. 2, H.D. 1 caps the penalty amount at \$2,000 for the first violation and \$2,500 for subsequent violations (§ 4(a-b)). It also affirmatively **prohibits the award of attorney's fees** (§ 4(b)(e)). This change is important. Individuals affected by this type of discrimination—i.e., persons receiving housing assistance—usually have little to no ability to pay attorney's fees out of their own pocket. This prohibition could thus have the practical effect of barring many attempts to enforce this law. The resulting lack of a meaningful ability to enforce the measure could render it ineffective.

The bill as written also includes a **number of exceptions that severely limit the scope of the prohibition on discrimination. Particularly concerning is § 3(2)**, which exempts landlords with ownership of “no more than six dwelling units in the State at the time of the alleged discriminatory rental transaction.” While it appears this amendment was intended as a “Mom and Pop” exception, this overly broad language **will have the effect of exempting a majority of individual landlords from the law**—allowing them to continue to discriminate in advertising and all other rental transactions.

As written, S.B. 206, S.D. 2, H.D. 1 would provide a step forward by explicitly prohibiting source-of-income discrimination in our state. The current draft also introduces some worthy provisions promoting fairness—for example, by prohibiting a landlord from being fined more than once for the same violation (§ 4(d)). **However, ensuring that the bill includes detailed prohibitions on a wide range of discriminatory conduct, that it enables individuals to adequately enforce it, and that it does not exempt the majority of landlords from its provisions, is of paramount importance in passing meaningful reform.**

The State of Hawai‘i continues to struggle with one of the highest rates of houselessness in the country, at over 2.5 times the national average.¹ This is due, in large part, to the high cost of living and lack of affordable housing in the state.² Housing assistance programs like the federal Housing Choice Voucher program (“Section 8”) are an essential means of alleviating high rental costs for struggling families—and in turn fighting our state’s housing crisis. In 2016, a federal Department of Housing and Urban Development (“HUD”) study found that compared to other means of intervention, long-term rental subsidies that enabled families to offset the cost of a unit in the private market led to the **best outcomes for reducing family houselessness “by far.”**³

However, programs like Section 8 depend on private landlords’ willingness to rent to participating individuals. Unfortunately, discrimination based on “source of income” is well-documented in housing markets across the country—and **there is no general federal law that protects against it.**⁴ As a result, many landlords flat out refuse, often including declarations that say “No Section 8” in their advertisements for available rentals. This prolongs the housing search for many renters, makes it extremely difficult to find habitable, safe housing, and can ultimately lead to the expiration of a voucher if certain time limits run out.

To combat this problem and allow housing assistance programs to serve their intended function, numerous states, cities, and counties have already adopted laws prohibiting source of income

¹ *State of Homelessness: 2020 Edition*, NAT’L ALL. TO END HOMELESSNESS, available at <https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness-2020/> (HUD’s 2019 Annual Point-in-Time Count found a national average of 17 homeless individuals per 10,000 people in the general population; Hawai‘i had a rate of 45.1 homeless individuals per 10,000).

² *Hawaii’s Affordable Housing Crisis*, HAWAI‘I APPLESEED CTR. FOR LAW & ECON. JUSTICE, at 3–4 (July 2014), available at <http://www.hiappleseed.org/sites/default/files/Hi%20Appleseed%20Housing%20Crisis%20Report.pdf>.

³ *Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families, Summary Report*, U.S. DEP’T OF HOUS. & URBAN DEV., OFFICE OF POLICY DEV. & RESEARCH, at 4 (2016).

⁴ Mary K. Cunningham, Martha Galvez, Claudia L. Aranda, Robert Santos, Doug Wissoker, Alyse Oneto, Rob Pitingolo, James Crawford, *A Pilot Study of Landlord Acceptance of Housing Choice Vouchers: Executive Summary*, U.S. DEP’T OF HOUS. & URBAN DEV., OFFICE OF POLICY DEV. & RESEARCH, at 3–4 (2018); Alison Bell, Barbara Sard, Becky Koepnick, *Prohibiting Discrimination Against Renters Using Housing Vouchers Improves Results: Lessons From Cities and States That Have Enacted Source of Income Laws*, CTR. ON BUDGET & POLICY PRIORITIES, at 1–2 (2018).

Chair Johanson and Members of the Committee on Consumer Protection & Commerce
March 21, 2022
Page 3 of 3

discrimination.⁵ Several studies have found that people living in areas with these non-discrimination laws are **more likely to succeed in securing a unit using a housing voucher**.⁶ Given their success, it is time for Hawai‘i to join this growing list of locales as they break down a critical barrier to affordable housing and improve geographic mobility for low-income families.

Importantly, discrimination based on source of income **often also functions as discrimination against women and children** in reality. One 2016 report noted that 83% of households participating in the Section 8 voucher program were led by women, and 43% of participating households contained children.⁷ Property owners and landlords in Hawai‘i should not be permitted to engage in behavior that is tantamount to sex or familial status discrimination under the pretense that they do not accept certain sources of income.

S.B. 206, S.D. 2, H.D. 1 prohibits source-of-income discrimination in certain circumstances and provides a remedy to address violations of the measure. For these reasons, the ACLU of Hawai‘i **supports S.B. 206, S.D. 2, H.D. 1.**, but **strongly urges the Committee to incorporate amendments which would return the bill to the language used in its prior version, S.B. 206, S.D. 2, to ensure meaningful reform.** Thank you for the opportunity to testify.

Sincerely,



Hope Kerpelman
Legal and Legislative Fellow
ACLU of Hawai‘i

The mission of the ACLU of Hawai‘i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai‘i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving Hawai‘i for over 50 years.

⁵ Solomon Greene, Patrick Spauster, Martha Galvez, Daniel Teles, Philip Tegeler, *State and Local Voucher Protection Laws*, THE URBAN INST., at 3 (2020).

⁶ Alison Bell, Barbara Sard, Becky Koepnick, *Prohibiting Discrimination Against Renters Using Housing Vouchers Improves Results: Lessons From Cities and States That Have Enacted Source of Income Laws*, CTR. ON BUDGET & POLICY PRIORITIES, at 1, 5–6 (2018).

⁷ Gail Quets, Áine Duggan, Gail Cooper, *A Gender Lens on Affordable Housing*, RE:GENDER, at 7 (2016).

American Civil Liberties Union of Hawai‘i
P.O. Box 3410
Honolulu, Hawai‘i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

LATE

SB-206-HD-1

Submitted on: 3/20/2022 11:44:36 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ashley Galacgac	AF3IRM Hawai'i	Support	Written Testimony Only

Comments:

I am writing in **strong support of SB206** to stop rental discrimination.

Housing insecurity greatly impacts working-class women, LGBTQIA+ people, and people with disabilities and these negative impacts have been exacerbated during the pandemic. In our community organizing efforts, there has been an increase in discrimination claims as rules are unequally applied as eviction based on gender and family status. It is especially important to note that with few options of safe rentals, there has been an increase of sexual violence by landlords and women continue to live in dangerous living conditions.

SB206 aims to provide more access to affordable housing for women because voucher discrimination may hide illegal gender discrimination that also includes racial and family status as 80% of section 8 voucher holders are single mothers.

Please pass this measure and fight for access to affordable housing for working-class women, people with disabilities, and LGBTQIA+ people in Hawai'i.



ELIZABETH KAHANU HAWAIIAN CIVIC CLUB

P.O. Box 1811 | Honolulu, HI 96805

March 21, 2022

TESTIMONY IN SUPPORT OF SB 206, SD2, HD1 RELATING TO RENTAL DISCRIMINATION COMITEE ON CONSUMER PROTECTION & COMMERCE

Aloha Chair Johanson, Vice Chair Kitagawa, and members of the Committee:

The Elizabeth Kahanu Hawaiian Civic Club **supports** SB 206, which confirms which prohibits discrimination by landlords against tenants who participate in the Section 8 Housing Choice Program and other similar programs.

It is already difficult to find affordable rental housing in Hawai'i, and this challenge is exacerbated when landlords discriminate against low-income households that rely on government support programs for rent payment assistance. Discrimination against families who participate in these programs may cause these families to live in other units that may have limited access to work opportunities, schools, and transit and transportation, thereby resulting in other socio-economic challenges. Measures like this, when adopted in other jurisdictions, have proven to reduce incidences of discrimination and improve access to affordable housing.

We respectfully ask that your committee consider adopting the language reflected in the Senate Draft 2. The exemptions introduced in the House Draft 1 may weaken the protections against discrimination.

The Elizabeth Kahanu Hawaiian Civic Club hosts a forum for education, learning, and exchange of information to advance our understanding of government, politics, civic processes, and matters of importance to Hawai'i and the Native Hawaiian community. We appreciate your favorable consideration of our testimony. If you have any questions, please contact Dre Kalili, our club president, at EKahanu.HCC@gmail.com.

Hearing Date: Monday, March 21st at 2PM
Committee on Consumer Protection and Commerce
Submitted by [Planning for Community LLC](#)
SB 206, SD2 - Relating to Rental Discrimination

LATE

To: Chair Johanson, Vice Chair Kitagawa, and fellow committee members,

Planning for Community LLC consultants on urban planning and policy making for government agencies, nonprofits, and local businesses. Our work focuses on transportation and affordable housing improvements to create vibrant communities that support all people.

Planning for Community is submitting testimony in overwhelming support of SB206, which prohibits discrimination of housing assistance in rental agreements and other real-estate transactions. The most common type of housing assistance, Housing Choice Vouchers (previously referred to as Section 8), allow very low-income tenants and their families to pay for rent based on their income, with the voucher paying for the difference between what their income can cover and the cost of the private market rent. Housing vouchers are one of the most powerful anti-poverty initiatives in America and help to reduce homelessness, housing instability and overcrowding.

Housing vouchers are particularly important in Hawai'i, which has the highest per-capita homelessness in the United States. The high cost of living in our island home is not only impacting our island's lowest income populations but is also hallowing out and displacing our island's middle class ("brain drain"). From 2020 to 2021 alone, [nearly 14,500 local residents choose to leave Hawai'i](#). This trend is expected to only worsen as housing prices have COVID-19 pandemic, with the median price of single-family homes exceeding one million on O'ahu, Maui, and Kaua'i.

Unfortunately, many landlords and property management companies refuse to rent to voucher holders. Anyone who has searched for housing in Hawaii can attest to this. Apartment advertisements are rife with "No Section 8" and "No vouchers" language. [A 2018 study in Los Angeles](#) found that an astounding 76% of landlords refused to accept housing vouchers, with landlords in higher-income neighborhoods proving especially discriminatory. More information about the impacts of voucher discrimination can be found in my recently published opinion piece, ["Hawai'i Needs to End Housing Voucher Discrimination Now"](#).

The time is well-overdue to end these discriminatory practices which impact over 11,000 voucher holders in Hawai'i, the majority of whom are people of color and women. We must follow the lead of the sixteen other states and 100 municipalities who have adopted laws and ordinances that prohibit voucher discrimination. Studies have already demonstrated that these local laws have provided voucher holders with greater access to housing. For HUD housing choice vouchers in particular, jurisdictions which implemented legal protections have seen increased voucher utilization rates, [ranging up to 12 percentage points or higher](#) in these jurisdictions than in those without the same legal protection.

Ending housing voucher discrimination in Hawai'i will not be the "silver bullet" to solving our state's housing crisis, however it is critical and necessary step to take to allow our state to better utilize existing federal resources to keep our island residents housed.

Mahalo for the opportunity to testify.

Abbey Seitz
Planning for Community LLC
Owner and Manager

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March 20, 2022

Consumer Protection & Commerce
Aaron Ling Johanson, Chair
Lisa Kitagawa, Vice Chair

Re: S.B. No. 206, SD 2 HD1 - RELATING TO RENTAL DISCRIMINATION

Dear Representatives:

I am an attorney with 29 years of experience in the field of landlord-tenant law. I am writing to oppose SB206. I have specific objections to the language in the current version of SB206, as well as general objections to the bill.

A. Specific Objections to Language

In section -2(a)(3), the bill makes it a discriminatory practice to:

16 (3) Refuse to engage in a rental transaction with a person
17 because of the person's participation in a housing
18 assistance program or requirements related to
19 participation in a housing assistance program; or

This language would require a housing provider to rent their unit to a tenant using whatever terms the housing assistance program dictates. So, for example, if the housing assistance program requires that the housing provider to accept below-market rent (e.g. \$500 / mo. for a 3-bedroom house in Kaimuki), the failure of the housing provider to comply would be a discriminatory act. Additionally, if the housing assistance program required that the housing provider renovate the house to participate in the housing assistance program, if the housing provider did not do so they would commit a discriminatory act. Or, if the housing assistance program requires that the housing provider enter into 20-year leases, this bill would make it a discriminatory act not to do so.

This bill, if left the way it is, allows all government housing programs to dictate the terms of all rental agreements for a vast swath of housing in Hawaii. That is simply unfair.

To correct this problem, the bill should be amended to say:

(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, provided that the requirements related to participation in the housing assistance program are consistent with standard local practice, are affordable for the housing provider, and do not cause economic harm to the housing provider; or

Consumer Protection & Commerce
Aaron Ling Johanson, Chair
Lisa Kitagawa, Vice Chair
Re SB 206, SD 2 HD1 - Relating to Rental Discrimination
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B. General Objection to the Bill

1. Forcing Section 8 on Housing Providers is a Bad Idea

This bill represents a radical change in housing policy in Hawaii.

This bill will require all non-exempt housing providers to participate in the Section 8 housing program as well as any new “permanent supportive housing program” that may come into existence.

Many housing providers have opted out of participating in the Section 8 program because of difficulty in dealing with Section 8. From difficulty in obtaining inspections, to difficulty in getting paid, the Section 8 program has not been rejected by a sizeable number of housing providers.

This rejection is driven by economics. Providing housing is a business – a large part of the business is the desire to make money. If the Section 8 program provided a good balance of benefits over costs, then it would be embraced by all housing providers. The reason that it is not embraced is that the program itself does not meet the needs of housing providers. Forcing housing providers to enroll in a government program that does not meet their needs simply incentivizes housing providers to stop offering units for rent.

2. This Bill Will Make it Harder for Non-Section 8 Recipients to Find Housing

If this bill passes, it will incentivize housing providers to pick Section 8 tenants over all other applicants because, if a Section 8 tenant is selected, the housing provider does not need to worry about being prosecuted for a discriminatory act. This means that the group of renters who do not qualify for Section 8 will be competing against each other for the shrinking pool of remaining available units (assuming there are remaining units to compete over). Since the supply of rental housing is not increasing, this competition can be expected to raise rents even higher. Ultimately, I would expect more and more of the non-Section 8 community to move out of Hawaii as rental housing becomes ever scarcer and more expensive.

Before the legislature takes this radical step, perhaps you should ask Professor Philip Garboden from UHERO or some other group to study the economic and social effects of this bill. You should clearly understand all the consequences of this bill will have on our social fabric before you take such radical action.

Please let me know if you have any questions.

Very truly yours,

/s/ David Chee

David W.H. Chee

LATE

SB-206-HD-1

Submitted on: 3/20/2022 3:29:20 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeff Moniz	Individual	Support	Written Testimony Only

Comments:

Testimony in SUPPORT of and Seeking Amendment to SB206 DSD2 HD1

Dear House Committee on Consumer Protection & Commerce:

I'm writing to express my strong support of SB206, which would prohibit discrimination based on a person's participation in a housing assistance program or requirements related to participation in a housing assistance program (e.g., Section 8).

Unfair treatment in any form is unacceptable. Discrimination based on source of income is unjust treatment. Both landlords and tenants stand to benefit from strong bill tha affords protections. Vulnerable households would have a fair chance to obtain affordable, long-term housing.

I'm also writing to express my preference for the language in SB 206 SD2, without the exemptions added in HD1. The HD1 language dilutes the impact of the protections afforded by this bill. I ask you to amend this bill with the language from SB 206 SD2 that particularly focuses on the following: (1) full prohibition of discrimination, (2) enforcement via private civil action in court with damages that are high enough to discourage discrimination, and (3) damages that include compensation for legal fees.

I urge your support to amend this bill, which is vital to helping house struggling families and vulnerable individuals. Thank you for the opportunity to provide my testimony, as an individual.

Sincerely,

Jeffrey Moniz, PhD

Vice Chancellor for Academic Affairs, UH West O'ahu

LATE

SB-206-HD-1

Submitted on: 3/20/2022 10:59:16 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mara Davis	Individual	Support	In Person

Comments:

Don't let children become homeless. I have a single mother and we experienced being homeless for months. We had a car luckily but would always get in trouble for sleeping in car but there's no where to go. Don't let kids be living on the streets or in small capacity shelters. If you don't like seeing kids sleeping in tents on the streets then pass this bill.

LATE

SB-206-HD-1

Submitted on: 3/20/2022 11:27:41 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
aimee chung	Individual	Support	Written Testimony Only

Comments:

RE: S.B. 206, in support

Thank you for hearing this important bill. It is of great concern that Hawai'i Section 8 recipients are currently discriminated against. As both a licensed social worker and realtor, I know how challenging it can be for families to find housing. This bill would help to ensure equal opportunity for all applicants and create greater access to an already difficult rental market.

We appreciate your consideration of this bill and we look forward to favorable action. Thank you for supporting Hawai'i's families.

Mahalo,

Aimee Chung, MSW, LSW

Licensed Social Worker 1499

RS-77333

University of Hawai'i at Mānoa, Faculty

Domestic Violence Action Center, Executive Board Member

LATE

SB-206-HD-1

Submitted on: 3/21/2022 9:38:51 AM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Douglas C. Smith	Individual	Support	Written Testimony Only

Comments:

I support SB206 because I think it will cause more landlords to explore and educate themselves about housing assistance programs, to everyone's benefit.

LATE

SB-206-HD-1

Submitted on: 3/21/2022 2:22:13 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alexandria Niewijk Suthard	Individual	Support	Written Testimony Only

Comments:

I am a 100% disabled veteran. I served as a public health officer in the Air Force and USAID. I was injured in Afghanistan. I have two sons who are age 5 and 6. I filed a restraining order and for divorce in 2019. Housing has been the biggest obstacle to leaving my abusive marriage. I have rented two places, each \$3,500 plus bills, using my disability income. However, neither place was child friendly and I could not continue to rent so we moved back in with my husband. My husband has Asperger's and is an alcoholic. It is very damaging to my children and to me to have to live in the same house with my still-husband Paul Bryan Suthard. My husband paid cash for the house in 2012 and his first wife Holly Rae Suthard died there, leaving three children without a mother. My health has deteriorated from living with Bryan cooped up in Covid. Now those \$3500 dumps cost over \$5000. Nobody will rent to a disabled single mother. I want to get to safety and get the divorce completed. My kids deserve a decent place to live and to continue their schooling at Waiālae Charter and Keiki o ka Aina Preschool. Please make safe housing possible for us and to be able to expedite my divorce. We must get to safety. I can no longer walk well and I have no family to help. I need medical care and housing that is safe for me and my children. My husband pays \$300 property tax because I am a disabled veteran and he gave me 1% interest in the house. This should be illegal. He uses coercive control to psychologically torture me. Help.

LATE

SB-206-HD-1

Submitted on: 3/21/2022 5:04:14 PM

Testimony for CPC on 3/21/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Renee Goff	Individual	Support	Written Testimony Only

Comments:

I am Renee Goff an HODOE educator and a single person in your district. Thank you for taking the time to represent my district. I am writing in regards and to request that you support, or be for, SB206 SD2 HD1.

According to Hawai'i State Commisiion on the Status of Women, "Hawai'i is one of the only states where landlords can discriminate against single moms and people with disabiliites under the disguise of prohibiting section 8 vouchers." As you already are aware of housing, and affordable housing at that, is a challenge for us, those residing in your district. Although I am not a single mom or person with disabilities, I was raised by a single mother and and have experienced the challenges that children experience in such households especially with tranciency, and housing security. Additionally, although I am not a parent at this time and my finanially security seems somewhat ensured, I worry about my personal ability to care for a family, and housing is a huge issue that concerns me. This is actually a huge contributing factor as to why I am not a parent. Lastly, as an educator who works with children (who include children of single moms') I see the affects, negative and positive, when housing security is or isn't available to children and their families.

Again, I am for SB206 SD2 HD1 and hope you will be too. Thanks once again for the time, effort and commitment you continue to make advocating for our community, districts, thriving.

Much aloha,

Renee Goff