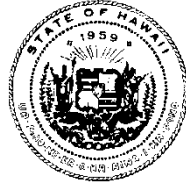


DAVID Y. IGE
GOVERNOR



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 HOUSING

Thursday, March 17, 2022

9:00 AM – Video Conference – Room 423, Hawaii State Capitol

In consideration of

SB 206, SD2

RELATING TO RENTAL DISCRIMINATION

Honorable Chair Nakamura, and Members of the House Committee on Housing, thank you for the opportunity to provide testimony concerning Senate Bill (SB) 206, SD2, relating to rental discrimination.

The Hawaii Public Housing Authority (HPHA) **supports** the enactment of SB 206, SD2, 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.

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.

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

DAVID Y. IGE
GOVERNOR



EXECUTIVE CHAMBERS
HONOLULU

January 25, 2022

TO: The Honorable Representative Nadine K. Nakamura, Chair
House Committee on Housing

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

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

Hearing: Thursday, March 17, 2022, 9:00 a.m.
VIA VIDEO CONFERENCE
Hawaii State Capitol, Conference Room 423

POSITION: The Governor's Coordinator on Homelessness supports this measure.

PURPOSE: The purpose of the bill is to prohibit discrimination, including in advertisements for available real property, based on participation in a housing assistance program or requirements related to participation in housing assistance programs, in real estate transactions and requirements.

This measure 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. In December 2021, the Hawaii Interagency Council on Homelessness prioritized addressing upfront barriers to accessing housing, such as source of income discrimination in rental housing, as a key priority for the 2022 legislative session.

Data from other communities show that utilization of housing assistance vouchers 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 that voucher utilization rates increased by between 4 to 11% in communities with housing voucher discrimination policies in place 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

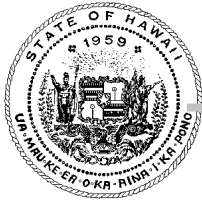
Locally, homeless service providers have reported that many landlords are reluctant to rent to individuals who receive housing assistance through a Section 8 Housing Choice Voucher or other subsidies such as permanent supportive housing or ‘Housing First’ programs. A number of advertisements for housing 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>.

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, a [February 2022 article in the Honolulu Star-Advertiser](#) stated that 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 an EHV or other voucher can cause people to lose their rental assistance and extend situations of housing insecurity and homelessness. In addition, providers have shared stories of homeless individuals who were approved for prospective rent through ERA after eviction from a prior unit and cannot find a landlord open to accept this assistance in a new unit.

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

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 prioritizes 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 <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.



HAWAI‘I CIVIL RIGHTS COMMISSION

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

Thursday, March 17, 2022
Via Videoconference, 9:00 a.m.
Room 423

To: The Honorable Nadine Nakamura, Chair
The Honorable Troy N. Hashimoto, Chair
Members of the House Committee on Housing

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

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

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, 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. 206, S.D.2, places the new prohibited practice in a new chapter of the HRS, with enforcement through direct civil action and provision for appropriate remedies, including injunctive relief and attorney fees. The S.D. 2 retains the maximum fine that can be assessed when a court issues an injunction to \$5,000, as increased from \$500 in the S.D.1. S.B. No. 206, S.D.2, addresses specific concerns raised by the HCRC in 2019 on a similar bill.

The HCRC supports S.B. No. 206, S.D.2.

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 17, 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 Relating to Rental Discrimination

The Hawaii State Council on Developmental Disabilities **STRONG SUPPORTS SB206 SD2** 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.

Thank you for the opportunity to submit testimony in **strong support of SB206 SD2.**

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus".

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 16, 2022

TO: The Honorable Representative Nadine K. Nakamura, Chair
House Committee on Housing

FROM: Cathy Betts, Director

SUBJECT: **SB 206 SB2 – RELATING TO RENTAL DISCRIMINATION.**

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

PURPOSE: The purpose of the bill is to prohibit 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. (SD2)

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.

As part of the pandemic response, the U.S. Department of Housing & Urban Development has made more housing vouchers available to individuals and families. Also, the Counties have each received additional federal emergency rental and utility assistance. Additionally, HB2233/ SB2130 Relating To Temporary Assistance For Needy

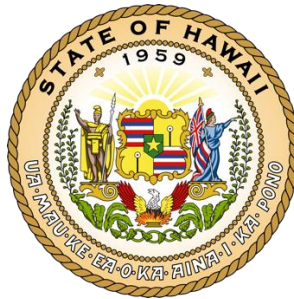
Families propose to authorize DHS to provide housing assistance subsidies of up to \$500 per month to Temporary Assistance for Needing Families and Temporary Assistance for Other Needing Families program participants who are participating in the First-To-Work program. To support individuals and families to weather the continuing pandemic conditions and strengthen communities, renters should not face barriers to securing housing based on their source of income.

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."¹

In an expensive and limited housing market, prohibiting discrimination described in this measure will allow supportive housing vouchers or other rental assistance programs to be implemented as intended. 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.



LATE

‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
Hawai‘i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Prepared for the House Committee on Housing

In Support of S.B. 206 SD2
Thursday, March 17, 2022 at 9:00 a.m.

Dear Chair Nakamura, Vice Chair Hashimoto, and Honorable Members,

The Hawai‘i State Commission on the Status of Women **supports** S.B. 206, SD2, which would prohibit discrimination, including in advertisements for available real property, based on participation in a housing assistance program or requirements related to participation in housing assistance programs, in real estate transactions and requirements.

This bill is squarely a women’s rights issue.

Discrimination against women and children is hidden by using voucher discrimination as a pretext. Honolulu is one of the largest cities in the United States that permits voucher/income discrimination in housing. This bill would create an individual direct cause of action to prohibit landlords from discriminating against renters based on their source of rent money such as emergency rental assistance during COVID-19 and Housing Choice Vouchers/Section 8, which are tenant-based vouchers awarded to low-income households that assume responsibility for finding themselves appropriate units to rent in the private market. [An astounding 83 percent of households participating in the Section 8 Housing Choice Voucher Program are led by women.](#) Section 8 bans are a proxy for single mom and working class discrimination. There are over 22,000 single mothers in Hawaii at present, and 89% of single mothers surveyed during the COVID-19 pandemic reported that they have lost the ability to meet basic needs such as rent.

This bill is urgent for women and should be passed as-is.

Accordingly, the Commission asks that the Committee pass S.B. 206, SD2.

Mahalo,

Khara Jabola-Carolus, J.D.

LATE

SB-206-SD-2

Submitted on: 3/16/2022 7:01:39 PM

Testimony for HSG on 3/17/2022 9:00:00 AM

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

Comments:

I will be testifying via Zoom on behalf of the Hawaii Civil Rights Commission. Our written testimony was already submitted, under a different account. I am submitting this so that I can access the zoom link to the hearing. Thank you.



Inspiring Hope, Changing Lives

Visit us on the web: www.hopeserviceshawaii.org

Connect via email: info@hopeserviceshawaii.org

HOPE Help Line: 808-935-3050

TESTIMONY IN SUPPORT OF SB 206: RELATING TO RENTAL DISCRIMINATION

TO: Committee Chair, Vice-Chair and Members
FROM: Brandee Menino, CEO, Hope Services Hawai'i, Inc.
Hearing: HOU, 3-17-22

Aloha,

Thank you for the opportunity to provide input on SB 206, which would prohibit 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.

As the CEO of Hawai'i Island's largest homeless service provider, I cannot emphasize enough how desperately we need to end rental income discrimination. SB 206 would provide much-needed relief to our program participants, staff, and community by paving the way for service providers to get people off the streets, out of emergency shelter, and into permanent housing **faster**.

Last year our housing team sounded the alarm that **rental housing discrimination is making it impossible to find housing for tenants who are employed, have a deposit, and are prepared to take care of their new home.** The team asked for help in educating landlords about renting to tenants on vouchers, in order to dispel pervasive myths, such as tenants on vouchers being destructive, and inspections being unreasonably difficult. Of course, we can (and do) share information to counter this narrative, such as recommendations from landlords we work with, and the entirely reasonable section 8 inspection checklist. But the reality is that **we cannot fix this problem on our own.** Many of the rental properties are owned by out-of-state landlords or Real Estate Investment Trusts, who'd be extremely difficult or impossible to persuade. The effort expended by our housing team in searching through ad after ad, only to find that the family they're working with won't even be given a chance to apply, is frustrating, demoralizing, and wasteful. It means that when our team could be taking their clients to view apartments, they are combing through Craigslist ads, only to find "No Hope Services" at the bottom of an otherwise promising listing. Instead of helping a family move into their permanent home, our team is calling a long list of realtors, begging them to make an exception. Instead of welcoming a disabled kūpuna living in a tent into a room in our emergency shelter, our team is pleading with property management companies, only to be told "the owner will not accept section 8."

As long as rental income discrimination remains legal, there will be a perception that it is acceptable, and no amount of education will change that. What's more, **taxpayers are subsidizing this discrimination** through the cost of government contracts that pay for the extra nights housing-ready families spend in shelters, and the extra labor our team does as they search for landlords willing to give our tenants a chance. With the rise in property purchases by out-of-state landlords paying above market value, this task is becoming a monumental challenge.



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EXECUTIVE LEADERSHIP
Chief Executive Officer
Brandee Menino

It's important to note that homelessness doesn't cut across society equally. Native Hawaiians and Pacific Islanders are disproportionately impacted, as are single mothers and others who are marginalized in society. As our Housing Locator, Matthew Ua, testified last year, "We all know that discrimination occurs based on an applicant's race, gender, disability, age, and religious beliefs, but it is my opinion, that what I've witnessed is discrimination based on a piece of paper that covers all the aforementioned categories."

Real estate in Hawai'i is like a pie--when a person owns a slice (or two or three slices) it means there is less available for everyone else. The very least we should be asking of landlords is to equally consider applicants who have the ability to pay the rent--whether they need a government subsidy or not. Therefore, **we respectfully request that you support SB 206.**

Mahalo nui for your consideration.

Sincerely,


Brandee Menino,
Chief Executive Officer

SB-206-SD-2

Submitted on: 3/15/2022 4:53:52 PM

Testimony for HSG on 3/17/2022 9:00:00 AM

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 strongly supports this measure. Discrimination in the rental process against individuals receiving rental assistance is a great hindrance to Hawaiians attempting to improve the lives of their `ohana by providing decent housing.



HAWAI'I STATE
COALITION AGAINST
DOMESTIC VIOLENCE

March 17, 2022

Members of the House Committee on Housing:

Chair Nadine K. Nakamura
Vice Chair Troy N. Hashimoto
Rep. Henry J.C. Aquino
Rep. Linda Clark
Rep. Greggor Ilagan
Rep. Lisa Kitagawa
Rep. Matthew S. LoPresti
Rep. Roy M. Takumi
Rep. Bob McDermott

Re: SB206 SD2 Relating to Rental Discrimination

Dear Chair Nakamura, Vice Chair Hashimoto, and Members of the House Committee on Housing:

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 of 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 SB206 SD2** 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 rental transactions and requirements. [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 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;



HAWAI'I STATE
COALITION AGAINST
DOMESTIC VIOLENCE

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](#).

Property owners should not be allowed to engage in a discriminatory practice that further victimizes survivors of domestic violence nor should we as a state allow these vouchers expire while our community suffers.

For the reasons stated above, we urge you to pass this legislation. Thank you for the opportunity to submit this written testimony.

Sincerely,
Angelina Mercado, Executive Director



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 Housing

Re: **SB 206, SD2 - Relating to rental discrimination**
Hawai'i State Capitol, via Videoconference, Conference Room 423
March 17, 2022, 9:00 AM

Dear Chair Nakamura, Vice Chair Hashimoto, and committee members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in SUPPORT of SB 206, SD2, relating to rental discrimination. This bill would prohibit 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.

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 a contributing factor to Hawai'i's homelessness and housing affordability crises.

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.³ We urge you to pass a bill that prohibits housing voucher discrimination in not only in advertising, but also in other aspects of property rental transactions, is enforced through civil courts with damages set high enough to be effective, includes incentives, and addresses the minimum income concerns of landlords.

We respectfully request that you pass and strengthen this bill with ideal language drawn from HB 981 (2021) and SB 36 (2021). 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>



CATHOLIC CHARITIES HAWAI'I

TESTIMONY IN SUPPORT OF SB 206, SD2: RELATING TO RENTAL DISCRIMINATION

TO: House Committee on Housing
FROM: Rob Van Tassell, President and CEO, Catholic Charities Hawai'i
Hearing: **Thursday, 3/17/22; 9:00 AM; via videoconference**

Chair Nakamura, Vice Chair Hashimoto, and Members, Committee on Housing:

Thank you for the opportunity to provide testimony **in Strong Support** of **SB 206, SD2**, which prohibits discrimination based on participation in a housing assistance program. 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 step forward in 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 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.

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 it is like winning the lottery! Finally, they have hope to live in housing where they 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. **Twelve states and the District of Columbia as well as many cities and counties throughout the US prohibit this discrimination.**

As long as landlords can legally discriminate against persons with housing subsidies, they often do an automatic screening out. The prohibition of this discrimination would give a chance for an elder, or a veteran, or a working family to speak directly to the landlord and tell their story, instead of being shut out of housing. It would give a chance for landlords to hear that there ARE good tenants and even incentives that may be beneficial to them. We urge you to put renters who participate in a rental assistance program on the same footing as other rental applicants. Landlords could continue to evaluate applicants based on their ability to pay rent, credit worthiness, etc. 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.

Hawai'i needs all the help it can get to stably house our lower income families and to end homelessness! We urge your support for this bill. 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.

TESTIMONY IN SUPPORT OF SB 206, SD2: RELATING TO RENTAL DISCRIMINATION

TO: House Committee on Housing

FROM: Partners In Care (PIC)

Hearing: Thursday, 3/17/22; 9:00 AM; via videoconference

Chair Nakamura, Vice Chair Hashimoto, and Members, Committee on Housing:

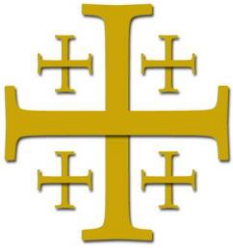
Thank you for the opportunity to provide **Strong SUPPORT for SB 206, SD2** which would prohibit discrimination, including in advertisements for available real property, based on participation in a housing assistance program or requirements related to participation in housing assistance programs. Partners In Care (PIC) is a coalition of more than 60 non-profit homelessness providers, advocates and government working together on Oahu to end homelessness.

Partners In Care works with landlords in our Housing Now program. We have successfully placed 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. For example, one homeless individual was issued a voucher in February 2021, and although they received multiple extensions and submitted multiple applications each week, was still unable to find a landlord willing to consider the housing voucher as of November 2021.

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.

During the pandemic, more and more people have sought housing assistance and the tens of millions of Section 8 dollars and other subsidies have also supported landlords. This bill would 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 participation in an assistance program. 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 your support for SB 206 SD2.



ST. MICHAEL THE ARCHANGEL CHURCH

75-5769 Ali'i Drive • Kailua-Kona, Hawaii 96740
PH: (808) 326-7771 • Email: stmichaelarchangel@rcchawaii.org
Website: stmichaelparishkona.org

March 16, 2022

Chair Nadine K. Nakamura and members
House Committee on Housing

RE: SB206 SD1 Rental Discrimination - support

All persons are deserving of a place to live. SB206 SD1 will give those with income assistance and vouchers including section 8 vouchers an opportunity to be housed. All of us know the magnitude of housing crisis that exists in Hawaii. Finding rental properties for those with vouchers is extremely difficult. Contributing to the crisis are landlords who refuse to even consider section 8 and other housing vouchers. It is not an issue of who can pay. It is an issue of who is paying. That is outright discrimination.

Our non-profit housing navigators who help those with section 8 and other government tell us how it is nearing impossible to find safe and affordable rentals for our vulnerable families. We have parishioners who are couch surfing and sleeping in their cars in friend's driveways. As a society we can't afford for children to move from place to place to live in overcrowded housing hosted by generous relatives and friends. We cannot afford for children to sleep in the family car along roadsides and other unsafe places. The trauma that results has long term costs to their physical and mental health. It opens them up to predators that offer housing for use of their bodies as a commodity.

You have the ability to stop this practice of housing discrimination. Vote yes on SB206 SD1

Sincerely,

Shirley David
Pastoral Council Chair
St. Michael the Archangel Church

ONE CATHOLIC OHANA

St. Michael the Archangel *Kailua-Kona* • St. Peter by the Sea *Kahaluu'u* • Immaculate Conception *Holualoa* • St. Paul *Kawanui* • Holy Rosary *Kalaooa*

March 17, 2022

The Honorable Nadine A. Nakamura, Chair

House Committee on Housing

Via Videoconference

RE: Senate Bill 206, SD2, Relating to Rental Discrimination

HEARING: Thursday, March 17, 2022, at 9:00 a.m.

Aloha Chair Nakamura, Vice Chair Hashimoto, 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, 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.

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 additional paperwork, inspections and processes, which is not required by other applicants. As a result, housing providers participating in section 8 often forfeit their first month's rent in addition to having to wait 3 months or longer for a subsequent rental check. While property managers may possess the experience and knowledge necessary to navigate safely through this process, it may be too complex, expensive and time consuming for the average mom-and-pop housing provider.

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

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

Finally, HAR would note that government assistance housing programs are optional to participate in. As such, the focus should be on providing incentives or removing barriers to encourage property owners to participate in these valuable programs.

Mahalo for the opportunity to testify.



Hawai'i

Committees: Committee on Housing
Hearing Date/Time: 9:00am, March 17, 2022
Place: Via Videoconference / Conference Room 423
Re: Testimony of the ACLU of Hawai'i in Support of S.B. 206, S.D. 2 Relating to Rental Discrimination

Dear Chair Nakamura, Vice Chair Hashimoto, and members of the Committee:

The American Civil Liberties Union of Hawai'i writes **in strong support of S.B. 206, S.D. 2**. This bill prohibits discrimination in rental transactions based on an individual's participation in a housing assistance program or requirements related to such programs.

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.

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).

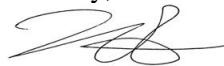
Chair Nakamura and Members of the Committee on Housing
March 17, 2022
Page 2 of 2

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 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 provides a remedy for violations of the law by enabling an individual to bring a direct cause of action in district court. For these reasons, the ACLU of Hawai‘i **strongly urges the Committee to pass this measure**. 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
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www.acluhawaii.org

Hearing Date: Thursday, March 17, 9 AM

Committee on Housing

Submitted by [Planning for Community LLC](#)

SB 206, SD2 - Relating to Rental Discrimination

To: Chair Nakamura, Vice Chair Hashimoto, 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.



Planning for Community LLC

Owner and Manager



LATE

March 14, 2022

RE: SB 206, relating to Rental Discrimination

Since 2006, Family Promise of Hawaii has provided shelter, housing, and supportive services for over 5,700 parents and children experiencing housing instability on Oahu. Homelessness is one of the most complex social issues impacting our community. There are personal, programmatic, and systemic issues that have resulted in the current challenges our community faces in addressing homelessness. One of these challenges is locating landlords who are willing to accept rental assistance programs such as Section 8, Rapid Rehousing, and Permanent Supportive Housing vouchers.

Family Promise, along with Partners In Care, Alternative Structures International, Housing Solutions Inc., and the City and County of Honolulu's Department of Community Services created a program called Oahu Housing Now (OHN) during the pandemic. OHN ambitiously set out to house 300+ households experiencing homelessness through a combination of rental assistance and case management. Many of the households who were awarded vouchers through this program were delayed in moving from homelessness into housing because of the difficulty locating landlords willing to accept the voucher. Others lost their chance at a home through this program because we were unable to find a landlord willing to accept their voucher. This is a challenge many providers face when their clients are awarded rental assistance vouchers.

We appreciate this opportunity to provide testimony in support of SB206. By allowing landlords to discriminate against rental assistance programs we are allowing housing inequity to persist in our community. No child should have to sleep outside. The solution to homelessness is housing, but due to Hawaii's high housing costs many hardworking families rely on housing assistance programs to get by. Hawaii would benefit from joining other states and localities in legally protecting households against discrimination based on their rental assistance.

Together, we can help families achieve a home, a livelihood, and a chance to build a better future.

With Much Aloha,

A handwritten signature in black ink, appearing to read 'S Church', is written over a light blue horizontal line.

Samantha Church, MSW
Executive Director

DAVID W.H. CHEE

David W.H. Chee
Telephone: 808-539-1150
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March 16, 2022

LATE

COMMITTEE ON HOUSING
Rep. Nadine K. Nakamura, Chair
Rep. Troy N. Hashimoto, Vice Chair

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

Dear Representatives:

I am an attorney who practices in the field of landlord/tenant law, including residential matters. I have over 29 years' experience in the area. I am writing regarding the above-referenced bill.

This proposed legislation is not clear in what it will require of landlords in order to comply with its terms and can be read to cause absurd results. Because it is unclear what a landlord must do to comply with the law, I am writing in opposition to S.B. 206, SD2.

Additionally, while the law seems aimed towards rental transactions, the law does not limit its scope to residential landlord-tenant transactions. It applies to long-term ground leases, agreements of sale, and any other real estate transaction in the State. For example, the law will make normal and prudent business decisions in the transaction of real estate discriminatory.

Finally, passing this legislation will make it illegal for landlords who operate low-income housing to reject tenants whose income exceeds their limits. This will make it much more difficult for low-income tenants to access low-income housing.

A. Income Limits for Low Income Housing Will Be Illegal

Section 2 at page 5 lines 1-3 makes it a discriminatory practice for a landlord, "because of participation in a housing assistance program *or requirements related to participation in a housing assistance program*" to refuse to engage in real estate transactions.

In Hawaii there are many low-income properties that will only rent to tenants whose income is either within a particular range or below a particular threshold. It is normally the landlord's responsibility to make sure that the tenant's income is within their program's requirements. These income limitations are "requirements related to participation in a housing assistance program" that the landlord is required to observe.

This legislation will now make it illegal for landlords to respect those income limitations. If a higher-income tenant applies for low-income housing, it will be illegal for the landlord, "because of...requirements related to participation in a housing assistance program to"...refuse to engage in a rental transaction." In other words, this legislation will make it illegal for landlords to reject tenants who make more than the landlord's program allows.

B. What is required by this law for landlords?

It seems that the law seeks to prevent landlords from considering whether a prospective tenant is on a “housing assistance program” when considering them as a tenant – similar to how a landlord is not supposed to consider race, gender, familial status, etc.

It is not clear, however, whether this law would require every landlord to participate in every kind of “housing assistance program” and to what extent that participation is required. The proposed law would make it a discriminatory act to consider “requirements related to participation in a housing assistance program” in selecting tenants. It is not clear what this means.

The law also can be read to require that all landlords participate in the Section 8 program and all other Federal programs that involve housing. If that is the intent of the law, then the legislation should plainly say that.

However, if that is the intent, the Legislature should recognize that this bill will reduce the number of rental units available. Presently, participation by landlords in the Section 8 program is completely voluntary. Many landlords choose to participate in the Section 8 program since the program provides a reliable source of income, especially during troubling economic times. Some landlords who want to participate in the Section 8 program cannot because the condition of their properties do not meet Section 8’s standards. Other landlords choose not to participate in the program because the Section 8 program’s requirements are unattractive to them.

For many landlords, the requirements of the Section 8 agreement are too burdensome. As you can see from the City and County of Honolulu’s website, Section 8 housing assistance can only happen after a landlord has entered into a contract with the government. See, <http://www.honolulu.gov/cms-dcs-menu/site-dcs-sitearticles/1338-cad-section-8.html> (“Eligible participants receive a Housing Choice Voucher which entitles them to search for a rental unit. A contract to pay subsidies is signed between the City and the owner once the rental unit and the lease are approved.”)

A copy of a recent contract form can be found at <http://www.honolulu.gov/rep/site/dcs/onlineforms/dcs-2013landlordinformationpacket.pdf>. A review of the contract reveals that, in exchange for payment, landlords must accept 12 pages of strict obligations presented in dense, small-font, legalese.

Many of the terms are unattractive and one-sided. For example, by entering into the agreement, a landlord agrees to allow the government to audit his or her records, and must allow the government “full and free” access to any computers, equipment or facilities containing records related to the rental. For most private landlords in Hawaii, this would mean allowing the government full and free access to their home and giving the government full and free access to

all information on their computers and cell phones. See, paragraph 11 on “Page 6 of 12” of the Sample HAP Contract.

In addition to giving up fundamental rights of privacy, a landlord that enters into the HAP contract also gives up the fundamental right to evict a tenant if rent is not paid. See, paragraph 5.c. on Page 9 of 12 of the Sample HAP Contract, which says, “(a) PHA failure to pay the housing assistance payment to the owner is not a violation of the lease. The owner may not terminate the tenancy for nonpayment of the PHA housing assistance payment.” So, when Section 8 does not pay, a landlord cannot take his or her property back.

Additionally, participating in Federal rental assistance programs requires a significant amount of sophistication on the part of landlords. Renting to tenants that receive Section 8 assistance or other Federal programs places different notice requirements on landlords that attach to virtually all communications. How, when and the form of these communications are not intuitive. There are people that specialize in advising large landlords concerning the notice requirements that become applicable once a landlord rents to a tenant that receives assistance. These requirements are complicated and change as HUD decrees. For instance, there is still disagreement by legal practitioners as to whether certain parts of the CARES act, which has now expired, still needs to be followed by those receiving funds from Federal rental assistance program.

Since a landlord would be required by this bill to participate in all government housing assistance programs, they would need to become specialists in the requirements of every available program since requirements may differ between programs. This is not just a matter of accepting Section 8 and getting part of the rent from the housing assistance program – this bill creates a whole new complicated framework under which a landlord is required to operate.

Small mom and pop landlords – who make up the majority of landlords in Hawaii, many of whom do not speak English as a first language - do not generally have the luxury to hire someone to help them navigate through Federal requirements. And for them, making a mistake could have a huge financial impact. There are lawyers who make their money suing landlords who violate Federal law, even inadvertently. This law will turn mom and pop landlords into targets.

Additionally, the Legal Aid Society of Hawaii has argued that participating in some of the Federal housing assistance programs requires a landlord to keep a tenant as long as the tenant does not violate the rental agreement. Even when there are violations of a rental agreement, Legal Aid has taken the position that the violations need to be substantial and repeated before a landlord can end the tenancy. This means that if the tenant consistently pays their rent late causing financial issues for a landlord, or has repeated nuisance violations- noise, unauthorized guests, parking violations, habitability issues, etc., a landlord may not be able to end the tenancy. In many Federal programs, Legal Aid argues that these are not considered good cause to end a

tenancy and a landlord would be required to continue to rent to the tenant for the rest of their life.

Requiring landlords to participate in all government programs would mean that, in some instances, the law will require a landlord to enter into a rental agreement in perpetuity with a tenant. This would be a radical departure from the legal traditions of Hawaii. Ultimately, this will deprive owners of control over their properties. For example, a parent who wants to allow their child to move into a rental unit may be precluded by law from doing so.

Lawmakers should consider all the implications of this bill before passing the legislation. If it is the intention that all landlords be required to agree to any condition imposed by all government programs, without regard to whether the landlord wants to, or even can, participate, the legislation should plainly say this. However, if you do require it, this will drive many landlords out of the business and deprive the community of rental units - a resource that is scarce. So, if you do require this, you should also make the law take effect in the future so that landlords can have the opportunity to either plan to comply get out of the business before facing the hardships this bill will impose.

C. Pandemic Stimulus Considerations

Additionally, in the context of a pandemic and stimulus funds being released by various government entities to assist with rent, this law would make prudent business decisions in selecting tenants illegal. For example, if one prospective tenant has a steady job and income, and another is unemployed but has been approved to receive three months' rent from government stimulus funds, this legislation will make it illegal for a landlord to choose the tenant with the steady income.¹ That would be an absurd result.

In conclusion, the goals of this bill are not clear. More importantly, this bill may be very disruptive to existing low-income housing programs. It will also be very disruptive in the landlord-tenant community in general since landlords will not know how to comply with the law.

Very truly yours,

/s/ David Chee

David W.H. Chee

¹ Of note - section (b) (page 6, line 13) makes it explicitly proper for a landlord to determine the ability of a prospective renter to pay the rent, but section (a) (page 4, line 19) makes it illegal to choose a prospective tenant who has a steady income over one who may only receive temporary stimulus funds.

LATE

SB-206-SD-2

Submitted on: 3/16/2022 1:54:14 PM

Testimony for HSG on 3/17/2022 9:00:00 AM

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

Comments:

I am writing in strong support of SB206 SD2 to stop rental discrimination.

Housing insecurity greatly impacts working-class women and LGBTQIA+ people and these negative impacts have been exacerbated during the pandemic. Rental discrimination disproportionately impacts women of color the most as most make up a significant amount of low-income renters and are usually heads of households.

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.

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



HAWAII APPLESEED
CENTER FOR LAW & ECONOMIC JUSTICE

LATE

Testimony of the Hawai'i Appleseed Center for Law and Economic Justice
SUPPORT – SB206 SD2 RELATING TO RENTAL DISCRIMINATION
Conference Room 423 & Videoconference
Thursday, March 17, 2022 at 9:00 AM

Aloha Chair Nakamura, Vice Chair Hashimoto and committee members,

Mahalo for the opportunity to testify on SB206 SD2.

Hawaii Appleseed applauds the legislature in this effort to join 16 other states which do not allow discrimination based solely on a person's source of income. The use of a housing choice voucher to pay for rent should not automatically disqualify a person from being a tenant. To discriminate against someone only because they use a voucher is both unfair to our residents who need assistance with rent and increases our rates of homelessness and overcrowding. Too many recipients of vouchers or rent assistance cannot find a place to use their assistance.

While we understand that many landlords have legitimate concerns about drawbacks to using federal housing choice vouchers (HCV), the pathway forward is to address those concerns through landlord incentives and not to simply disqualify an entire group of renters.

We are grateful to the work of Vice Chair Hashimoto and others in creating a landlord incentive bill, HB1752, and hope this will make the HCV program more appealing and competitive. However, in addition to reducing any financial impact on landlords from using the voucher program, we should also do everything we can to reduce the stigma against people with vouchers. It starts with ending voucher discrimination and making it clear that a person with a voucher deserves the same opportunity as anyone else.

This bill does not require a landlord to rent to a voucher holder, it simply requires that they use the same criteria to judge a Section 8 tenant as they would anyone else: Are they a good tenant? Do they have good references and can they be counted on for rent payment? These are fair questions which all tenants expect to answer. In fact, our voucher holders can be counted on to pay the rent because the federal government guarantees it. If they are responsible tenants, we should not deny them housing simply because they use a government program.

We strongly recommend passage of SB206 SD2.

Mahalo.



TESTIMONY IN SUPPORT OF SB 206, SD 2

TO: Chair Nakamura, Vice Chair Hashimoto, & Housing Committee Members

FROM: Nikos Leverenz
Grants & Advancement Manager

DATE: March 17, 2022 (2:00 PM)

Hawai'i Health & Harm Reduction Center (HHHRC) **supports** SB 206, SD 2, 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 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. This includes people living with HIV who receive federal housing assistance and are provided medical case management services by HHHRC staff. Our staff engaged in homelessness prevention and housing-focused case management have struggled to find safe, stable, and affordable housing even when a program participant obtains housing assistance in the form of a voucher.

HHHRC Executive Director Heather Lusk currently serves as Board Chair of [Partners in Care O'ahu](#), a planning, coordinating, and advocacy alliance that develops recommendations for programs and services to fill needs within O'ahu's continuum of care for homeless persons.

HHHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those related to substance use and mental health conditions. Many of our program clients and participants have also been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this measure.

LATE

SB-206-SD-2

Submitted on: 3/16/2022 9:50:00 PM

Testimony for HSG on 3/17/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawaii	Support	Written Testimony Only

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 SD2.

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

TO: HOUSE COMMITTEE ON HOUSING

Rep. Nadine K. Nakamura, Chair

Rep. Troy N. Hashimoto, Vice Chair

HEARING: Thursday, 03-17-22

9:00AM

House conference room 423 Via Videoconference

FROM: Angilynne Pekelo-Cedillo

RE: Support for SB 206 - Relating to Rental Discrimination

Aloha Chair Nakamura, Vice Chair Hashimoto, and Members of the Committee,

My name is Angilynne Pekelo-Cedillo and am in strong support of SB 206, which will prohibit 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. As a recipient of the Section 8 Choice Voucher Program, I know how difficult it is to attain housing because I am currently in that situation. The barriers that low-income assisted individuals and families like myself face is that there are very few options available and time requirements (use it or lose it). My landlord has been my landlord for almost 20 years and is retiring and selling all his properties that once accepted Sec. 8 and other forms of assistance. I understand all too well the requirements of the landlord however, the discriminatory practices in regards to housing in this state can be attributed to the increase of houseless individuals and families. As previously stated, I am currently facing that difficulty right now and I am speaking from my own experience.

Thank you for the opportunity to share my testimony in support of SB 206.

Mahalo,

Angilynne Pekelo-Cedillo

SB-206-SD-2

Submitted on: 3/15/2022 5:49:21 PM

Testimony for HSG on 3/17/2022 9:00:00 AM

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

Comments:

Aloha Chair Nakamura, Vice Chair Hashimoto and members of the House Committee on Housing,

As a former homeless provider who assisted families in finding housing for over a decade, I am in **STRONG SUPPORT** of SB206, SD2. 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.

SB-206-SD-2

Submitted on: 3/15/2022 9:56:15 PM

Testimony for HSG on 3/17/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chris Molina	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakamura, Vice Chair Hashimoto, and members of the housing committee,

I support this measure because I believe it is a step in the right direction. I am currently working on completing my Masters In Social Work and through experiences with my practicum had a chance to converse with folks with lived experience. I have heard that people will wait for years to receive a housing voucher. The voucher makes housing affordable for them and brings them one step closer to housing being a reality. Hopes are quickly dashed when they look on sites like Craigslist that say "No section 8" or "No HUD". In order to be effective participants in the housing voucher program need to secure housing. Prohibiting source of income discrimination in advertising is a step in the right direction. We could also be ensuring that we are providing robust incentives for those landlords who participate in supporting affordable housing for those in our community. As a resident of Kaua'i I have been encouraged by the affordable projects I have seen come to fruition, it gives me hope for the future. This measure supports even more folks on Kauai and across Hawaii secure the housing we need to make it. Mahalo nui loa for your time and consideration.

Respectfully,

Chris Molina

Kauai

SB-206-SD-2

Submitted on: 3/16/2022 7:59:55 AM

Testimony for HSG on 3/17/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Esther Kim	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakamura, Vice-Chair Hashimoto, and members of the House Committee on Housing,

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

I am a soon-to-be graduate of UH Mānoa’s Thompson School of Social Work undergraduate program, and within the past two years, I have encountered and interacted with current and former unhoused community members on O‘ahu. I have also interned with agencies and organizations that attempt to find housing for their clients and seek solutions for our growing houselessness issue on our islands. It’s been eye-opening, to say the least. More than that, it’s been extremely frustrating to see that the complaints and concerns from community members, legislators, and other government officials are not matched with solutions but rather judgmental attitudes and punitive approaches towards our unhoused. One of the largest issues is source of income discrimination.

Hawaii has an ever-growing amount of high rises and luxury buildings that pander towards the small fraction of Hawai‘i’s residents who can afford multiple properties and out-of-state buyers which drive up the already extremely expensive cost of living and housing market. Furthermore, not only is there a lack of affordable housing, but also discrimination against those with Section 8 vouchers or other housing assistance programs. Housing vouchers have deadlines for when a person needs to utilize it, so while a small percentage of people receive the vouchers, it is often not able to be used within the given timeframe since landlords have the option to not accept Section 8 or housing assistance. The Governor’s Coordinator on Homelessness reports little utilization of such vouchers because of this. These false hopes and empty promises given to our houseless and those experiencing housing insecurity are detrimental and keep them in a vulnerable state.

Hawai‘i’s low minimum wages and legal discriminatory housing policies are devastating, especially when the narrative about those who are unhoused continues to be that they choose to be houseless. People do not choose to be unhoused; Hawaii’s housing policies and system force people into that position. SB206 would be a feasible first step towards tackling the houselessness issue in Hawai‘i. I am in full support of SB206 and urge that this measure be passed.

Mahalo for the opportunity to testify,

Esther Kim

SB-206-SD-2

Submitted on: 3/16/2022 8:54:49 AM

Testimony for HSG on 3/17/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kenna Stormogipson	Individual	Support	In Person

Comments:

Mahalo for the opportunity to testify on the issue of voucher discrimination.

For our community members who hold vouchers it is very difficult for them to find homes where they can use their vouchers. Partly this is due to the some of the extra barriers of the voucher program which impact landlords. I applaud the legislature and in particular Vice Chair Hashimoto for his work to create landlord incentives to remove some of these barriers with HB1752.

However, another part of increasing access is to address the stigma and currently legal outright discrimination of voucher holders. A person should not be stigmatized and deemed unfit to be a tenant simply because they use a voucher. Many responsible and trustworthy people fall on hard times and use the voucher program for assistance. We need to support our voucher holders instead of automatically disqualifying them.

Let us support our community members who qualify for affordable housing but cannot find homes.

Mahalo.

Rep. Nadine K. Nakamura, Chair
Rep. Troy N. Hashimoto, Vice Chair



DATE: Thursday, March 17, 2022
TIME: 9:00 AM
PLACE: VIA CONFERENCE ROOM 423
& VIDEOCONFERENCE

IN STRONG SUPPORT OF SB 206

Aloha mai kākou!

My name is Sidney Bandy, and I am testifying in support of SB 206 which would amend the HRS to add a new chapter which would prohibit housing discrimination in real estate transactions based on an individual's participation in or relation to housing assistance programs and other sources of income discrimination found in both the rental and buying housing markets in Hawai'i.

As the state with the worst houseless problem per capita in the country, Hawai'i already has a market laden with unaffordable rates, minimal options, and innumerable restrictions. These restrictions coupled with most housing programs reliance on landlord willingness to rent to participants have stifled the already minimal market for women, children, and families of color – all of whom represent the most impacted populations.

Housing vouchers are proven to work, with federal studies by HUD being conducted that showcase vouchers as the best intervention for reducing family homelessness. However, with no federal or state laws protecting renters against potential landlord discrimination, landlords are placing NO SECTION 8 and NO HOUSING VOUCHERS on their advertisements, with my experience being only one or two of the hundreds of listings I've sorted through being amenable to housing vouchers.

What if they don't get that one apartment? What if it's a studio and they need more bedrooms to house their children? Why are we making families and renters and local people with usable, safe, secure housing vouchers search through hundreds of listings that specifically discriminate against them? Why have the vouchers if you can't use them?

Our state can make a change here, a real difference that will be seen in the lives of all renters in Hawai'i. We can make a tangible, practical decision to continue us on the path to equitable and affordable housing. With this bill, you could potentially help house thousands.

Thank you for your consideration,
Sidney Bandy

To: Honorable Nadine K. Nakamura, Chair, and the Members of the Housing Committee

Hearing: Thursday, March 17, 2022, 9:00 a.m.
VIA VIDEO CONFERENCE
Conference Room 423
State Capitol
415 South Beretania Street

LATE

Subject: **TESTIMONY IN SUPPORT**

Dear Chair Nakamura and Committee Members:

I am Nuurah Parsons, Graduate Social Work student at University of Hawai'i Manoa. I am in strong **support** of Senate Bill 206 Relating to Rental Discrimination. The bill, if enacted, would prohibit 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.

Seeking housing in Hawai'i is challenging, but most especially for community members who are low-income. The housing challenges are not just related to affordability, but also to discrimination based on where one sources the money to pay their rent. Any search online or in person for housing reveals a market where landlords and rental company's state, "No Section 8" and other statements that discourage prospective renters who are in housing voucher programs from being able to sign a lease. Housing is a right that all community members should have, regardless of their financial status. The work that rental companies and landlords have to engage in to receive the assistance funds from the tenant are not extraordinarily undue. The prospective tenants that are shut out from rental unit access experience even more stress due to not being able to secure stable housing because places who won't accept their program or voucher. Ultimately, the benefits to the renters and landlords, outweigh the time and/or administrative work needed to successfully complete what is needed to accept the funds.

Reducing the housing crisis in Hawai'i requires the involvement of many sectors of society, therefore, reasonable legislation, like SB 206, is needed so all members can have an equitable chance at securing safe and affordable housing. As Hawai'i navigates coming out of the ongoing COVID-19 pandemic it will be important to maintain efforts to reduce the number of individuals experiencing homelessness, housing insecurity and instability. Passing this bill would reduce barriers to housing and allow families and individuals to access housing without stigma.

In closing, I strongly support Senate Bill 206 Relating to Rental Discrimination. By prohibiting discrimination based on participation in housing assistance programs, the legislature would be supporting equity for community members who do not have as much power within the rental market systems. I urge the committee to pass S.B. No. 206. Thank you for this opportunity to submit testimony.

Nuurah Parsons

LATE

SB-206-SD-2

Submitted on: 3/17/2022 5:38:00 AM

Testimony for HSG on 3/17/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mona Bomgaars	Individual	Support	Written Testimony Only

Comments:

Rental discrimination based on participation in a housing assistance program is totally antithetical to the Aloha spirit. It is shocking that such a bill is necessary but based on the experience of our friends working to decrease the number of our ohana threatened with houselessness, it is.

Please pass this bill with no abstainers or nay voters.

Mahalo.

SB-206-SD-2

Submitted on: 3/17/2022 9:56:57 AM

Testimony for HSG on 3/17/2022 9:00:00 AM

LATE

LATE

Submitted By	Organization	Testifier Position	Testify
Garrett Iha	Individual	Support	Written Testimony Only

Comments:

Support SB 206. No to discrimination