



EXECUTIVE CHAMBERS
HONOLULU

February 3, 2022

TO: The Honorable Senator Stanley Chang, Chair
Senate Committee on Housing

The Honorable Sharon Y. Moriwaki, Chair
Senate Committee on Government Operations

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

SUBJECT: **SB 2468 – RELATING TO HOUSING DISCRIMINATION.**

Hearing: Wednesday, February 3, 2022, 1:00 p.m.
VIA VIDEO CONFERENCE

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

The Coordinator notes that there are other measures in consideration that would similarly address discrimination against individuals participating in housing assistance programs at a statewide level. [SB1135 SD1](#), an administration bill, was carried over from the 2021 session and referred to the joint Senate committees on Judiciary and Ways and Means. A similar measure, [SB206 SD2](#), recently passed out of the Senate Judiciary Committee and is scheduled for Third Reading in the Senate. In addition, [SB2399](#) was passed out yesterday morning by the Senate Committee on Commerce and Consumer Protection.

PURPOSE: The purpose of the bill is to allow counties to prohibit discrimination against renters based on their source of income.

This measure will enable the counties to address a key barrier to housing for many low-income and homeless individuals and families throughout the state. Nationally, Connecticut, Maine, Massachusetts, New Jersey, North Dakota, Oklahoma, Oregon, Utah, Vermont, Washington, and Washington, D.C., and numerous county jurisdictions have adopted policies that prohibit rental discrimination based on source of income, which includes the use of

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.

According to feedback from service providers, 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. Numerous 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 is 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, even though 708 EHVs have been allocated statewide in Hawaii since mid-2021, only 36 households have been leased up statewide as of January 20, 2022. In addition, providers have shared stories of homeless individuals who were approved for prospective rent through ERA after eviction from a prior unit and are unable to find a landlord open to accept this assistance in a new unit.

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 is prioritizing low-income housing development for individuals transitioning out of homelessness, as well as support for landlord incentive programs and for the expansion of 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, view:

<https://homelessness.hawaii.gov/advocacy>.

Thank you for the opportunity to testify on this bill.

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
February 3, 2022

The Honorable Senator Stanley Chang, Chair
Senate Committee on Housing
The Honorable Senator Sharon Y. Moriwaki, Chair
Senate Committee on Government Operations
The Thirty-First Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Senator Chang, Senator Moriwaki and Committee Members:

SUBJECT: SB2468 Relating to Housing Discrimination

The Hawaii State Council on Developmental Disabilities **SUPPORTS SB2468** which allows counties to prohibit discrimination against renters based on their source of income.

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. These discriminatory phrases on advertisements for rentals come from landlord's unease around accepting Section 8 vouchers. Any programs that helps encourage landlords to accept Section 8 vouchers will directly support our individuals with I/DD.

Thank you for the opportunity to submit testimony in **support of SB2468**

Sincerely,

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

Daintry Bartoldus
Executive Administrator



HAWAI‘I CIVIL RIGHTS COMMISSION

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

February 3, 2022, 1:00 p.m.
Via Videoconference
Conference Room 225

To: The Honorable Stanley Chang, Chair
The Honorable Dru Mamo Kanuha, Vice Chair
Members of the Senate Committee on Housing

The Honorable Sharon Y. Moriwaki, Chair
The Honorable Donovan M. Dela Cruz, Vice Chair
Members of the Senate Committee on Government Operations

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

Re: S.B. No. 2468

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. 2468, which would allow the counties to prohibit discrimination against renters based on source of income.

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 continue to affect income and housing. In the wake of this crisis, it is even more important to prohibit discrimination in rental housing based on source of income, especially in counties where renters who have housing assistance vouchers cannot find rental housing.

HCRC has supported bills in the past which prohibit rental discrimination based on participation in a housing assistance program, or receipt of other legal source of income, such as child support or maintenance. State legislation and county legislation prohibiting discrimination are not mutually exclusive. Allowing the counties to legislate on this topic would also allow this protection to be adopted incrementally county by county, since it has not been enacted into state law.

The HCRC supports S.B. No. 2468.

TESTIMONY IN SUPPORT OF SB 2468

TO: Chair Chang, Vice Chair Kanuha, & Housing Committee Members
Chair Moriwaki, Vice Chair Dela Cruz, & Government Operations Committee Members

FROM: Nikos Leverenz
Grants & Advancement Manager

DATE: February 3, 2022 (1:00 PM)

Hawai'i Health & Harm Reduction Center (HHRC) **supports** SB 2468, which allows county governments to prohibit discrimination against renters based on their source of income, including those receiving federal housing assistance under Section 8.

Ideally discrimination in real estate transactions based on source of income should be prohibited as a matter of state policy. 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 HHRC staff.

[Hawai'i should join the states of California, Connecticut, Colorado, Maryland, Massachusetts, New Jersey, New York, North Dakota, Oklahoma, Oregon, Rhode Island, Utah, Vermont, Virginia, and Washington, and the District of Columbia, in prohibiting rental discrimination based on income sources.](#)

HHRC 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. HHRC provides homeless outreach and housing placement navigation services in urban Honolulu and the Upper Windward Coast, including North Shore.

HHRC'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.



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: Senate Committees on Housing and on Government Operations

Re: **SB 2468 - Relating to Housing Discrimination**

Hawai'i State Capitol, Conference Room 225 and Via Videoconference

February 3, 2022, 1:00 PM

Dear Chairs Chang and Moriwaki, Vice Chairs Kanuha and Dela Cruz, and committee members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in SUPPORT of SB 2468, relating to housing discrimination. This bill would allow counties to prohibit discrimination against renters based on their source of income.

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 low-income housing assistance, such as 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 discrimination doesn't just harm families now, but it also has far-reaching effects on our community's future.

For the reasons above, HCAN Speaks! believes that our state should join the growing number of jurisdictions across the country that have prohibited housing discrimination based on source of income.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.

Mahalo for the opportunity to provide this testimony. Please pass this bill.

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>

February 3, 2022

The Honorable Stanley Chang, Chair

Senate Committee on Housing

The Honorable Sharon Y. Moriwaki, Chair

Senate Committee on Government Operations

Via Videoconference

RE: Senate Bill 2468, Relating to Housing Discrimination

HEARING: Thursday, February 3, 2022, at 1:00 p.m.

Aloha Chair Chang, Chair Moriwaki, and Members of the Joint Committees,

I am Ken Hiraki, Director of Government Affairs, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its over 10,800 members. HAR **opposes** Senate Bill 2468, which allows counties to prohibit discrimination against renters based on their source of income.

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 housing provider.

Moreover, the issue of whether a property owner is engaged in a discriminatory practice, based on source of income, becomes subjective and ambiguous. As a result, even the most diligent housing provider could find themselves the subject of a discrimination complaint.

Additionally, 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.