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# A BILL FOR AN ACT

RELATING TO DISCRIMINATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that low-income  
2 individuals have an extremely difficult time finding affordable  
3 rentals in Hawaii. This situation is made more frustrating when  
4 housing vacancy advertisements discourage people from applying  
5 by advertising "no section 8 accepted." Hawaii's laws currently  
6 do not prohibit discrimination based on lawful source of income.  
7 However, a number of other states, including California and  
8 Oregon, have prohibited this type of income discrimination.  
9 Renters who participate in government assistance programs, such  
10 as the federal Housing Choice Voucher program, also known as  
11 section 8 housing, should have an equal opportunity to find  
12 housing.

13           The purpose of this Act is to prohibit discrimination based  
14 on lawful source of income in the rental of real estate,  
15 including advertisements for available rental units.

16           SECTION 2. Chapter 521, Hawaii Revised Statutes, is  
17 amended by adding four new sections to be appropriately  
18 designated and to read as follows:



1        "§521- Discriminatory practices. (a) In addition to  
2 the discriminatory practices provided in section 515-3, it is a  
3 discriminatory practice for a person engaging in a rental  
4 transaction pursuant to this chapter because of source of  
5 income:

6        (1) To refuse to engage in a rental transaction with a  
7 person;

8        (2) To discriminate against a person in the terms,  
9 conditions, or privileges of a rental transaction or  
10 in the furnishing of facilities or services in  
11 connection with a rental transaction;

12        (3) To refuse to receive or to fail to transmit a bona  
13 fide offer to engage in a rental transaction from a  
14 person;

15        (4) To refuse to negotiate for a rental transaction with a  
16 person;

17        (5) To represent to a person that premises are not  
18 available for inspection, rental, or lease when in  
19 fact the premises are available, or to fail to bring a  
20 property listing to the person's attention, or to  
21 refuse to permit the person to inspect premises, or to

1           steer a person seeking to engage in a rental  
2           transaction;

3           (6) To offer, solicit, accept, use, or retain a listing of  
4           premises with the understanding that a person may be  
5           discriminated against in a rental transaction or in  
6           the furnishing of facilities or services in connection  
7           with a rental transaction; or

8           (7) To discriminate against or deny a person access to, or  
9           membership or participation in any multiple listing  
10           service, or other service, organization, or facility  
11           involved either directly or indirectly in rental  
12           transactions, or to discriminate against any person in  
13           the terms or conditions of access, membership, or  
14           participation.

15           (b) Nothing in this section shall be deemed to prohibit a  
16 person from determining the ability of a potential renter to pay  
17 rent by:

18           (1) Verifying, in a commercially reasonable manner, the  
19           source and amount of income of the potential renter;  
20           or

21           (2) Evaluating, in a commercially reasonable manner, the  
22           stability, security, and credit worthiness of the

1           potential renter or any source of income of the  
2           potential renter.

3           §521-       Restrictive covenants and conditions. (a) Every  
4 provision in an oral agreement or a written instrument relating  
5 to premises that purports to forbid or restrict the occupancy or  
6 lease thereof to individuals because of source of income is  
7 void.

8           (b) Every condition, restriction, or prohibition,  
9 including a right of entry or possibility of reverter, that  
10 directly or indirectly limits the use or occupancy of premises  
11 on the basis of source of income is void.

12           (c) It is a discriminatory practice to insert in a written  
13 instrument relating to premises a provision that is void under  
14 this section or to honor or attempt to honor such a provision in  
15 the chain of title.

16           §521-       Blockbusting. It is a discriminatory practice  
17 for a person for the purpose of inducing a rental transaction  
18 from which the person may benefit financially, because of source  
19 of income:

20           (1) To represent that a change has occurred or will or may  
21 occur in the composition of the owners or occupants in



1           the block, neighborhood, or area in which the premises  
2           are located; or

3           (2) To represent that this change will or may result in  
4           the lowering of property values, an increase in  
5           criminal or antisocial behavior, or a decline in the  
6           quality of schools in the block, neighborhood, or area  
7           in which the premises are located.

8           **§521-           Other discriminatory practices.**   It is a  
9           discriminatory practice for a person, or for two or more persons  
10          to conspire:

11          (1) To retaliate, threaten, or discriminate against a  
12          person because of the exercise or enjoyment of any  
13          right granted or protected by this chapter, or because  
14          the person has opposed a discriminatory practice, or  
15          because the person has made a charge, filed a  
16          complaint, testified, assisted, or participated in an  
17          investigation, proceeding, or hearing under this  
18          chapter;

19          (2) To aid, abet, incite, or coerce a person to engage in  
20          a discriminatory practice;

21          (3) To interfere with any person in the exercise or  
22          enjoyment of any right granted or protected by this



1           chapter or with the performance of a duty or the  
2           exercise of a power by any person or agency charged  
3           with enforcing this chapter;  
4       (4) To obstruct or prevent a person from complying with  
5           this chapter or an order issued pursuant to this  
6           chapter;  
7       (5) To intimidate or threaten any person engaging in  
8           activities designed to make other persons aware of, or  
9           encouraging other persons to exercise rights granted  
10          or protected by this chapter;  
11       (6) To threaten, intimidate or interfere with persons in  
12          their enjoyment of premises because of the source of  
13          income of the persons, or of visitors or associates of  
14          the persons; or  
15       (7) To print, circulate, post, or mail, or cause to be  
16          published a statement, advertisement, or sign, or to  
17          use a form of application for a rental transaction, or  
18          to make a record or inquiry in connection with a  
19          prospective rental transaction, that indicates,  
20          directly or indirectly, an intent to make a limitation  
21          or specification, or to discriminate because of source  
22          of income."



1 SECTION 3. Section 521-8, Hawaii Revised Statutes, is  
2 amended by adding two new definitions to be appropriately  
3 inserted and to read as follows:

4 "Rental transaction" means any part of a process or  
5 transaction for the rental or lease of premises.

6 "Source of income" means any lawful source of money paid  
7 directly or indirectly to a tenant or potential tenant,  
8 including:

- 9 (1) Any lawful profession or occupation;  
10 (2) Any government or private assistance, grant, loan, or  
11 rental assistance program, including low-income  
12 housing assistance certificates and vouchers under the  
13 United States Housing Act of 1937, as amended; and  
14 (3) Any gift, inheritance, pension, annuity, alimony,  
15 child support, or other consideration or benefit."

16 SECTION 4. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

19 SECTION 5. New statutory material is underscored.

20 SECTION 6. This Act shall take effect on July 1, 2112.



**Report Title:**

Discrimination in Rental Transactions; Source of Income

**Description:**

Prohibits discrimination in the rental of real property based on lawful source of income. Effective July 1, 2112. (HB676 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

