

STAND. COM. REP. NO. 206

Honolulu, Hawaii

FEB 12 2021

RE: S.B. No. 36  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Housing, to which was referred S.B. No. 36  
entitled:

"A BILL FOR AN ACT RELATING TO RENTAL DISCRIMINATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit discrimination, including in advertisements for available real property, based on participation in a housing assistance program; and
- (2) Establish a landlord incentive program special fund to reimburse land owners who participate in the Section 8 program for the costs of repairs for tenant-caused damage that exceed the cost of the tenant's security deposit.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness, Hawaii Civil Rights Commission, Hawai'i State Commission on the Status of Women, Hawaii Public Housing Authority, ACLU of Hawai'i, League of Women Voters, Hawaii Appleseed Center for Law and Economic Justice, LGBT Caucus of the Democratic Party of Hawaii, and three individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association of Realtors and one individual.



Your Committee finds that low-income individuals experience extreme difficulty in finding affordable housing rentals in Hawaii. Many housing vacancy advertisements proclaim "no Section 8 accepted" or "Section 8 need not apply" in an effort to prevent low-income individuals with housing vouchers from consideration for tenancy. Your Committee further finds that many states, the District of Columbia, and many cities and counties already prohibit discrimination based on source of income. In those areas where this discrimination is already prohibited, renters with housing vouchers are twelve percent more likely to find housing than areas that allow for this type of discrimination. Your Committee finds that this measure will prohibit discrimination, including in advertisements for available real property, based on participation in a housing assistance program.

Your Committee is cognizant that some of the testimony in opposition to this measure claim that the requirements of Section 8 are too burdensome, including requiring audits, entering into contracts with the government, and other conditions. However your Committee notes that the Hawaii Public Housing Authority offered oral testimony wherein they stated that the requirements for landlords to participate in Section 8 are very minimal. All that is required is an inspection to ensure that the rental unit is safe and sanitary, and secondly, the execution of one simple agreement by the landlord to accept Section 8 moneys. In light of the testimony provided by the Hawaii Public Housing Authority, your Committee finds that the regulations imposed on landlords for participation in Section 8 housing are quite minimal.

Your Committee has amended this measure by:

- (1) Adding the contents of S.B. No. 53, Regular Session 2021, to this measure to address the concerns of the Hawaii Public Housing Authority;
- (2) Amending the definition of "Housing assistance program" to clarify that the source of income prohibition pertains only to government programs;
- (3) Inserting language to clarify that it is also unlawful to expel or otherwise refuse to continue to rent to a current tenant based on their participation in a housing assistance program;



- (4) Including a definition of "source of income" to more clearly describe a discriminatory practice;
- (5) Amending the penalty for a violation from \$500 to \$5,000 on the recommendation of the Governor's Coordinator on Homelessness, Hawai'i State Commission on the Status of Women, and ACLU of Hawai'i;
- (6) Amending the appropriation amount from an unspecified amount to \$100,000 per the recommendation of the Hawaii Public Housing Authority;
- (7) Amending section 1 of this measure to include a paragraph explaining how Section 8 housing discrimination is also a proxy for discriminating against women to give additional context to effects of Section 8 discrimination; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 36, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 36, S.D. 1, and be referred to your Committee on Judiciary.


Respectfully submitted on  
behalf of the members of the  
Committee on Housing,

  
STANLEY CHANG, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Housing**  
**HOU**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 36	HOU, JDC	2/2/21		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Reccommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHANG, Stanley (C)	✓			
KANUHA, Dru Mamo (VC)	✓			
MORIWAKI, Sharon Y.	✓			
RHOADS, Karl	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	5	Ø	Ø	Ø
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes