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# A BILL FOR AN ACT

RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION.

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

1 SECTION 1. Section 368-13, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§368-13 Investigation and conciliation of complaint. (a)  
4 After the filing of a complaint, or whenever it appears to the  
5 commission that an unlawful discriminatory practice may have  
6 been committed, the commission's executive director shall make  
7 an investigation in connection therewith. At any time after the  
8 filing of a complaint but prior to the issuance of a  
9 determination as to whether there is or is not reasonable cause  
10 to believe that part I of chapter 489, chapter 515, part I of  
11 chapter 378, or this chapter has been violated, the parties may  
12 agree to resolve the complaint through a predetermination  
13 settlement.

14 (b) The executive director shall issue a determination of  
15 whether [~~or not~~] there is reasonable cause to believe that an  
16 unlawful discriminatory practice has occurred within [~~one-~~  
17 ~~hundred and~~] one hundred eighty days from the date of filing a



1 complaint unless the commission grants an extension of time to  
2 issue a determination.

3 (c) If the executive director makes a determination that  
4 there is no reasonable cause to believe that an unlawful  
5 discriminatory practice has occurred in a complaint filed, the  
6 executive director shall promptly notify the parties in writing.  
7 The notice to complainant shall indicate also that the  
8 complainant may bring a civil action as provided under section  
9 368-12.

10 (d) When the executive director determines after the  
11 investigation that there is reasonable cause to believe that an  
12 unlawful discriminatory practice within the commission's  
13 jurisdiction has been committed, the executive director shall  
14 immediately endeavor to eliminate any alleged unlawful  
15 discriminatory practice by informal methods such as conference,  
16 conciliation, and persuasion.

17 (e) [~~where~~] When the executive director has determined  
18 that there is reasonable cause to believe that an unlawful  
19 discriminatory practice has occurred and has been unable to  
20 secure from the respondent a conciliation agreement acceptable  
21 to the commission within [~~one hundred and~~] one hundred eighty  
22 days of the filing of the complaint, unless the commission has



1 granted an extension of time, the executive director [~~shall~~  
2 ~~demand~~], in the executive director's discretion, may:

- 3       (1) Demand that the respondent cease the unlawful  
4           discriminatory practice[-]; or
- 5       (2) Dismiss the complaint and issue a notice to the  
6           complainant indicating that the complainant may bring  
7           a civil action as provided under section 368-12.

8       The executive director's determination that a final  
9 conciliation demand is to be made shall be subject to  
10 reconsideration by the commission on its own initiative but  
11 shall not be subject to judicial review. The executive director  
12 may demand appropriate affirmative action as, in the judgment of  
13 the executive director, will effectuate the purpose of this  
14 chapter, and include a requirement for reporting on the manner  
15 of compliance.

16       The executive director's determination that a complaint is  
17 to be dismissed and a notice of right to sue issued shall not be  
18 subject to reconsideration by the commission or judicial review.

19       (f) Notwithstanding subsection (e) to the contrary, for  
20 complaints alleging violations of both chapter 515 and the  
21 federal Fair Housing Act, Title VIII of Public Law 90-284 (42  
22 United States Code 3601, et seq.), as amended, when the



1 executive director has determined that there is reasonable cause  
2 to believe that an unlawful discriminatory practice has occurred  
3 and has been unable to secure from the respondent a conciliation  
4 agreement acceptable to the commission within one hundred eighty  
5 days of the filing of the complaint, unless the commission has  
6 granted an extension of time, the executive director shall  
7 demand that the respondent cease the unlawful discriminatory  
8 practice.

9 The executive director's determination that a final  
10 conciliation demand is to be made shall be subject to  
11 reconsideration by the commission on the commission's own  
12 initiative but shall not be subject to judicial review. The  
13 executive director may demand appropriate affirmative action as,  
14 in the judgment of the executive director, will carry out the  
15 purpose of this chapter, and include a requirement for reporting  
16 on the manner of compliance."

17 SECTION 2. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.



1           SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Hawaii Civil Rights Commission; Investigation and Conciliation  
of Complaint

**Description:**

Authorizes the Civil Rights Commission Executive Director to  
dismiss a discrimination complaint and issue a notice of right  
to sue after a determination of a reasonable cause of  
discrimination is made and conciliation fails. Amends the  
Executive Director's authority with respect to fair housing to  
comply with the federal Fair Housing Act. (HB683 HD1)

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

