



HOUSING DISCRIMINATION

WHAT IS HOUSING DISCRIMINATION?

Under state law, * it is unlawful for an owner, landlord, real estate company, broker, sales person, or any other person engaged in a real property transaction to treat persons unequally because of that person's:

- race
- sex
- disability
- familial status
- religion
- color
- ancestry/
national origin
- age
- marital status
- HIV infection

The law applies to all aspects of the housing business including: advertisements, applications, interviews, selection, terms and conditions of occupancy, and obtaining a loan. Examples include:

- buying, renting, or leasing a house, apartment, townhouse, condominium, or vacant lot.
- seeking financing for the purchase of a home, lot, remodeling or timeshare agreement.
- terms and conditions of housing, such as a condominium association's by-laws.
- the publishing of an advertisement for the rent, lease, or sale of a housing accommodation.

The law also prohibits persons from aiding or inciting others to engage in discriminatory practices. In addition, the law protects persons from retaliation when they oppose a discriminatory practice, or attempt to comply with this law.

EXAMPLES OF DISCRIMINATION

Examples of housing discrimination include:

- a landlord refuses to rent to you because you have children.
- a landlord wants a larger security deposit or rent because you have children.
- you are charged higher rent than tenants of the opposite sex.
- a condominium's by-laws prohibit children from using the swimming pool.
- a landlord refuses to let you modify your apartment (at your expense) to accommodate your disability.
- a realtor discourages you from buying or renting a home in a certain neighborhood, or steers you to another, because you are of a different race than most of the present residents.
- due to your disability, you have a guide/signal dog, or service animal but the landlord refuses to rent to you because the condominium has a "no pets" rule.

EXEMPTIONS

The law does not apply to:

- rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other if the lessor resides in one of the housing accommodations; or
- rental of a room or up to four rooms in a housing accommodation by an individual if the individual resides therein.

*Hawai'i Revised Statutes Chapter 515 & Hawai'i Administrative Rules sections 12-46-301 to 318.

- housing that meets the criteria for senior housing (which may consider age or familial status).
- religious institutions that show preference to members of their own religion, unless membership in such a religion is restricted by race, color, or ancestry.

Actions in which all tenants are subject to the same conditions (regardless of race, sex, etc.) such as changes in the amount of rent, method of payment, security deposits, repairs, noise rules, or evictions are not covered by the Hawai'i Civil Rights Commission (HCRC).

FILING A DISCRIMINATION COMPLAINT

If you believe that you are a victim of illegal discrimination, you can file a complaint, at no cost, with the Hawai'i Civil Rights Commission (HCRC). You must file within 180 days after the discriminatory practice has occurred. Call the HCRC at 586-8636 to speak to staff. During the HCRC investigation, you should be prepared to:

- present specific dates and facts about the alleged discrimination;
- identify documents and witnesses, if any, that substantiate charges in the complaint; and
- keep the HCRC updated as to your whereabouts and any phone number or address change.

INVESTIGATIONS/DETERMINATION

The HCRC conducts objective investigations of complaints. Where possible, the HCRC encourages parties to settle complaints through mediation or pre-determination settlements. If the HCRC determines that there is reasonable cause to believe discrimination has occurred, it will attempt to correct the discrimination and obtain relief through conciliation.

If conciliation is not successful, the HCRC holds administrative hearings on the complaint. If after the hearing it determines there is a violation of law, the commission will issue final orders to correct any discriminatory practices and to prevent their recurrence. The HCRC can order remedies such as:

- sale, lease, or rental of the housing (or next available unit if the original one is already occupied).
- allowing modifications to accommodate a disability.
- changing the condominium rules that discriminate against families with minor children.
- specific actions to prevent future discrimination.
- monetary damages, fines, or other remedies appropriate to correct the harm caused by the discrimination.

A person does not need an attorney to file a complaint or be represented through the HCRC's investigation or hearing procedures. However, individuals and businesses have the right to be represented by an attorney, at their own expense, if they so choose.

FURTHER INFORMATION:

For more information on these and other anti-discrimination laws enforced by the HCRC contact the:

HAWAII CIVIL RIGHTS COMMISSION
830 Punchbowl Street, Room 411
Honolulu, Hawaii 96813

Telephone: (808)586-8636
TDD: (808)586-8692
Fax: (808)586-8655

Neighbor Islands call (toll-free):
Kauai: 274-3141 ext. 6-8636#
Maui: 984-2400 ext.6-8636#
Hawai'i: 974-4000 ext. 6-8636#
Lāna'i & Moloka'i: 1-800-468-4644 ext. 6-8636#
E-Mail: info@hicrc.org
Website: www.state.hi.us/hcrc

This factsheet is a general summary of the state's housing discrimination laws and does not have the force or effect of administrative rules or Hawai'i laws. If there are any inconsistencies, the rules and Hawai'i law will control.

Printed: November 2000