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# HAWAI‘I CIVIL RIGHTS COMMISSION KOMIKINA PONO KIWILA O HAWAI‘I

## AGENDA

February 13, 2025 at 1:00 p.m. Meeting to be Held Remotely via Zoom. To be continued on 2-20-2025

Remote Meeting Link for February 20, 2025 at 1:00 p.m.:

<https://us02web.zoom.us/j/4349599058?pwd=VlpKZDVmZ3MzYit5clJQTE1VekhOdz09&omn=81282786376>

Meeting ID: 434 959 9058

Passcode: dER5Xy

**Physical Meeting Location:** Princess Ruth Ke‘elikōlani Building, 830 Punchbowl St, Rm 411  
No board members will be present.

Upon request, a testifier can be made visible to Board members and other meeting participants using either the remote meeting link above or at the physical meeting location.

### **Instructions to attend State of Hawaii Virtual Board meetings via Zoom:**

<https://labor.hawaii.gov/wp-content/uploads/2025/01/State-of-Hawaii-Virtual-Board-Attendee-Instructions.pdf>

1. Call to Order
2. Approval of minutes of November 7, 2024 and November 19, 2024 commission meetings
3. Executive Director’s Report
  - a. Mediation: Hawai‘i Civil Rights Commission’s Mediation Program Year-to-Date Summary
  - b. Data and Production Regarding Hawai‘i Civil Rights Commission’s Caseload Data, Comparison by Year, Age of Filed Cases, Year-to-Date Data

4. Chief Counsel Report
  - a. Update on docketed case *Marcus L. Kawatachi, Executive Director, on behalf of the complaint filed by Junko Knipe v. Gary Sommer, as Trustee of the Holualoa Residence Trust, Peter Pritchard, as Trustee of the Holualoa Residence Trust, and Gary Sommer, individually*; Dkt. No. 24-001-H-D-SH-RET
  - b. Update on proposed amendments to Hawai'i Administrative Rules Title 12 Subtitle 46, Chapters 1-318
5. Discussion on Legislation: 2025 Bills relating to civil rights (Senate Bills ("SB") and House Bills ("HB")):
  - a. Grant authority for HCRC staff to give testimony consistent with positions already approved by Commission vote on bills that are identical or substantially similar to previously introduced bills.
  - b. SB7 – Relating to Bullying in the Workplace:
    - Prohibits any employer or employee from subjecting an employee to abusive conduct. Requires employers and certain employees to take all reasonable preventative and responsive measures to ensure a safe work environment free of abusive conduct. Prohibits employers and certain employees from taking retaliatory actions against employees who engage in certain protected acts. Establishes a penalty, private cause of action, and remedies. Requires the Department of Labor and Industrial Relations to adopt rules.
  - c. SB31 – Relating to Property, discriminatory restrictive covenants:
    - Allows a person who discovers a recorded discriminatory restrictive covenant to take certain actions without liability, to invalidate the covenant. Defines discriminatory restrictive covenant.
  - d. SB44 – Relating to Housing, Source of Income:
    - Authorizes the counties to prohibit discrimination against a renter based on the renter's source of income.
  - e. SB47 – Relating to State Holidays, Lunar New Year:
    - Designates the day of the second new moon after the winter solstice of each year as the Lunar New Year. Establishes the Lunar New Year as a state holiday.
  - f. SB55 – Relating to Administrative Rules, digitally accessible:
    - Requires all state agencies adopting, amending, or repealing a rule to make the full text of the rules of the agency available on the website of the Office of the Lieutenant Governor in a digitally accessible and searchable format.
  - g. SB59 – Relating to Algorithmic Discrimination:
    - Prohibits users of algorithmic decision-making from utilizing algorithmic eligibility determinations in a discriminatory manner. Requires users of algorithmic decision-making to send

corresponding notices to individuals whose personal information is used. Requires users of algorithmic decision-making to submit annual reports to the Department of the Attorney General. Provides means of civil enforcement.

- h. SB116 – Relating to Discriminatory Reporting:
  - Establishes provisions relating to civil remedies for discriminatory reporting to a law enforcement officer. Provides that any person who contacts a law enforcement officer to contact a person on the basis of the person's actual or perceived race, color, ancestry, ethnicity, national origin, place of birth, sex, age, religion, disability, sexual orientation, or gender identity with the specific intent to infringe upon the person's certain rights. Requires the Department of Law Enforcement, in consultation with the Hawai'i Civil Rights Commission, to provide guidance to the public on the enactment of this Act.
- i. SB117 – Relating to Defamation, sexual misconduct:
  - Protects individuals who make claims of sexual misconduct from defamation lawsuits unless the claims were proven to be made with malice.
- j. SB149 – Relating to Accessibility in Public Accommodations:
  - Establishes that it is an unlawful discriminatory practice for public accommodations to deny a person with a disability full and equal enjoyment of information related to their services, facilities, privileges, advantages, or accommodations using information and communication technology intended for use by the general public as applicants, participants, customers, clients, or visitors.
- k. SB170 – Relating to Individual Data protection, Internet privacy:
  - Proposes to amend the Hawai'i State Constitution by establishing the right of each person to own and have an exclusive property right in the data they generate on the Internet.
- l. GM589 – Submitting for consideration and confirmation to the Civil Rights Commission, Gubernatorial Nominee, JO-ANN ADAMS, for a term to expire 06-30-2028
- m. SB199 – Relating to Hawaiian Culture:
  - Requires the Office of Hawaiian Affairs to establish and maintain Native Hawaiian cultural centers within the State. Requires the Office to submit reports to the Legislature regarding the Office's compliance with this Act. Appropriates moneys for the planning and design of the first Native Hawaiian cultural center.
- n. SB213 – Relating to Children:
  - Requires medically appropriate and reasonable life-saving and life-sustaining medical care and treatment for all infants born alive. Establishes civil and criminal penalties.
- o. SB396 – Relating to Commuting:
  - Requires the Director of Human Resources Development, in consultation with the Hawai'i Climate Change Mitigation and

Adaptation Commission, State Energy Office, and Department of Accounting and General Services, to develop and implement a comprehensive Commuting Choice Benefit Program for all state employees regardless of mode of transportation. Requires a report to the Legislature.

- p. SB416 – Relating to the Residential Landlord-Tenant Code:
  - Prohibits rental agreements from prohibiting tenants from keeping pet animals in dwelling units, subject to certain conditions.
- q. SB571 – Relating to Law Enforcement:
  - Requires state and local law enforcement agencies to notify an individual of their rights when in state or local law enforcement agency custody before any interview with the United States Immigration and Customs Enforcement pertaining to certain matters regarding civil immigration violations. Designates all records relating to United States Immigration and Customs Enforcement access to detained individuals provided by a state or local law enforcement agency as public records under chapter 92F, HRS. Requires state and local law enforcement agencies that have provided the United States Immigration and Customs Enforcement access to a detained individual within the previous year to hold two public forums per year.
- r. SB614 – Relating to Hawaiian Independence Day:
  - Establishes "La Ku oko a", or Hawaiian Independence Day, as a state holiday to be observed annually on November 28th.
- s. SB799 – Relating to Freedom to Read:
  - Requires the Department of Education to select materials for inclusion, circulation, and exclusion in school library collections according to certain criteria. Requires the Department of Education to uphold the freedom to read. Prohibits the Department of Education from excluding books based on certain criteria. Requires the State Librarian to select materials for inclusion, circulation, and exclusion in school library collections according to certain criteria. Requires the State Librarian to uphold the freedom to read. Prohibits the State Librarian from excluding books based on certain criteria.
- t. SB852 – Relating to Paid Family Leave:
  - By 1/1/2028, requires the Department of Labor and Industrial Relations to establish a family and medical leave insurance program and begin collecting payroll contributions to finance payment of benefits. By 1/1/2029, requires the Department to start receiving claims and paying benefits under the program. Specifies eligibility requirements and employee protections under the program.
- u. SB859 – Relating to Public Employment:
  - Establishes a paid family leave program for state and county employees. Authorizes a qualifying employee to take up to 12

weeks of paid leave for the birth or placement of a child or to care for a family member who has a serious health condition. Requires the employee to agree to subsequently work for the employer for at least 12 weeks upon return to service except under certain conditions.

- v. SB1010 – Relating to Sex-Based Discrimination:
  - Clarifies and strengthens the State's protections against sex-based harassment, sex discrimination, and retaliation that occur in public schools, public charter schools, or at the University of Hawai'i, including discrimination based on gender identity or expression, sexual orientation, pregnancy, and pregnancy-related conditions. Establishes procedures for investigations and decision-making. Requires mandatory reporting by certain employees.
- w. SB1061 – Relating to Digital Equity:
  - Establishes and appropriates funds for a digital navigator pilot program to offer technical assistance with computers and electronic devices to residents.
- x. SB1149 – Relating to Hate Crimes:
  - Defines "reported hate crime". Requires reporting of all possible reported hate crimes to appropriate authorities, including consistent documentation and analysis of such incidents. Requires law enforcement officers to receive annual training to identify, investigate, and document hate crimes and possible hate crimes. Requires the Attorney General to establish or update guidelines, protocols, and training materials for the reporting and investigation of hate crimes and possible hate crimes.
- y. SB1209 – Relating to Transportation
  - Requires the Civil Rights Commission to receive and investigate complaints related to acts of discrimination committed by transportation network company drivers against riders with service animals and report the results of its investigation to the Department of Transportation, which shall issue penalties to transportation network companies.
- z. SB1493 – Relating to Service Animals
  - Requires sellers or providers of emotional support animals to provide written notice to the buyers or recipients that the animal does not have the special training required to qualify as a service animal; the animal is not entitled to the rights and privileges accorded by law to a service animal; and knowingly misrepresenting as a service animal any animal that does not meet the statutory requirements of a service animal is a violation of law. Requires sellers or providers of certificates or identification tags for emotional support animals to provide written notice to the buyers or recipients that the item does not entitle an emotional support animal to the rights and privileges accorded by law to a service animal and knowingly misrepresenting as a service animal any animal that does not meet the statutory requirements of a

service animal is a violation of law. Establishes penalties.

aa. SB1660 – Relating to Employment:

- Requires employers in the hospitality industry to implement anti-harassment measures, provide training, and equip certain workers with panic buttons. Prohibits retaliation against a hospitality worker who files a complaint, uses the provided panic button, or participates in an investigation or proceeding related to a harassment complaint. Requires the Department of Labor and Industrial Relations to adopt rules, including rules determining penalties and establishing procedures for handling complaints. Requires all hospitality employers to comply no later than 1/1/2026.

bb. HB22 – Relating to Collaboration with the Federal Government:

- Allows state and county law enforcement agencies to collaborate with the federal government for immigration purposes in only limited, specific circumstances.

cc. HB103 – Relating to Sentencing:

- Changes the age for which individuals are eligible for life without parole sentences from eighteen years of age or older to twenty-one years of age or older.

dd. HB168 – Relating to Public Employment:

- Establishes a paid family leave program for state and county employees. Authorizes a qualifying employee to take up to 12 weeks of paid leave for the birth or placement of a child or to care for a family member who has a serious health condition. Requires the employee to agree to subsequently work for the employer for at least 12 weeks upon return to service except under certain conditions.

ee. HB219 – Relating to Paid Family Leave:

- Provides state and county employees with five days of paid family leave each calendar year.

ff. HB304 – Relating to the Hawaiian Language:

- Requires that the Hawaiian version of a law be held binding if the law in question was originally drafted in Hawaiian and then translated into English.

gg. HB425 – Relating to Public Employment:

- Establishes a paid family leave program for state and county employees. Authorizes a qualifying employee to take up to 12 weeks of paid leave for the birth or placement of a child or to care for a family member who has a serious health condition. Requires the employee to agree to subsequently work for the employer for at least 12 weeks upon return to service except under certain conditions. Effective 1/1/2026.

hh. HB325 – Relating to Medical Cannabis:

- Prohibits an employer from discriminating against a person in hiring, termination, or any term or condition of employment based

on the person's status as a medical cannabis registry card holder, under certain conditions. Authorizes an employer to use a fit-for-duty test for medical cannabis qualifying patients in potentially dangerous occupations. Exempts certain occupations.

- ii. HB440 – Relating to Immigration:
  - Prohibits certain covered educational entities and Hawai'i Health Systems Corporation facilities from collecting information regarding citizenship or immigration status or allowing officers of Immigration and Customs Enforcement to enter certain facilities, except under specific circumstances.
- jj. HB457 – Relating to Civil Rights Protections:
  - Requires state and local law enforcement agencies to notify an individual of their rights when in law enforcement agency custody before any interview with United States Immigration and Customs Enforcement on certain matters regarding immigration violations.
- kk. HB466 – Relating to Evictions:
  - Prohibits landlords from terminating certain tenancies without cause. Establishes criteria under which landlords can undertake a no-fault eviction. Requires landlords, when proceeding with a no-fault eviction, to offer relocation assistance to the tenant or waiver of the final month's rent. Effective 1/1/2026.
- ll. HB468 – Relating to Transportation:
  - Requires the Civil Rights Commission to receive and investigate complaints related to acts of discrimination committed by transportation network company drivers against riders with service animals and report the results of its investigation to the Department of Transportation, which shall issue penalties to transportation network companies.
- mm. HB469 – Relating to Parking for Disabled Persons:
  - Requires the Disability and Communication Access Board to issue a disability travel placard to an applicant who has a valid removeable windshield placard and provides proof of travel. Effective 7/1/2027.
- nn. HB471 – Relating to Education:
  - Requires the Board of Education to establish a Korean language program. Appropriates funds.
- oo. HB615 – Relating to Health Care:
  - Expands the protections established under Act 2, SLH 2023, to include gender-affirming health care services. Clarifies jurisdiction under the Uniform Child-Custody Jurisdiction and Enforcement Act for cases involving children who obtain gender-affirming health care services.
- pp. HB620 – Relating to Education:
  - Establishes state policy to promote braille literacy for eligible blind students. Requires the individualized education programs and section 504 plans of eligible blind students to include the

assessment and evaluation of eligible blind students' reading and writing abilities, instruction of braille, and provision of braille instructional materials under certain circumstances. Requires the Department of Education to establish a Braille Literacy Resource Center. Appropriates funds.

qq. HB671 – Relating to Native Hawaiians:

- Requires the Department of Business, Economic Development, and Tourism to identify all legislative districts in the State in which a majority of the population consists of Native Hawaiians. Designates these districts as Native Hawaiian majority districts.

rr. HB728 – Proposing a Constitutional Amendment to the Constitution of the State of Hawai'i to Protect the Right to Reproductive Freedom:

- Amends the Hawai'i State Constitution to prohibit the State from denying or interfering with an individual's reproductive freedom, including the right to choose to obtain an abortion and to obtain or use contraceptives.

ss. HB731 – Relating to Minors:

- Authorizes a physician, upon consultation with a minor patient who indicates that the minor was the victim of a sexual offense, with the consent of the minor patient, to perform customary and necessary examinations to obtain evidence of the sexual offense and may prescribe for and treat the patient for any immediate condition caused by the sexual offense. Provides that the consent of the parent, parents, or legal guardian of a minor offender who has been committed to the Hawai'i youth correctional facilities is not necessary in order to authorize hospital, medical, mental health, dental, emergency health, or emergency surgical care.

tt. HB755 – Relating to Paid Family Leave:

- By 1/1/2028, requires the Department of Labor and Industrial Relations to establish a family and medical leave insurance program and begin collecting payroll contributions to finance payment of benefits. By 1/1/2029, requires the Department to start receiving claims and paying benefits under the program. Specifies eligibility requirements and employee protections under the program.

uu. HB819 – Relating to Disability Health Disparity:

- Requires the State Council on Developmental Disabilities to collect data and submit to the Legislature a report focused on the health disparities experienced by individuals with intellectual or developmental disabilities in the State prior to the convening of the Regular Session of 2027. Appropriates funds.

vv. HB822 – Relating to Employment:

- Requires certain employers in the State to offer reproductive loss leave for employees.

ww. HB831 – Relating to Antitrust:

- Prohibits the use of algorithmic price-setting in Hawai'i's rental



market. Requires the Department of the Attorney General to develop and undertake a public education program regarding the prohibition.

xx. HB1096 – Relating to Tenant Selection:

- Repeals the tenant selection preferences for disabled veterans and the spouses of deceased veterans in the State Low-Income Housing Program.

yy. HB1227 – Relating to Family Leave:

- Establishes a paid family leave program for state and county employees. Authorizes a qualifying employee to take up to twelve weeks of paid leave for the birth or placement of a child or to care for a family member who has a serious health condition.

zz. HB1270 – Relating to Accessibility:

- Beginning 7/1/26, requires any public or private entity that operates a public lot, including a business lot, that provides more than 25 parking spaces to increase the number of federally mandated parking spaces reserved for persons with disabilities by a minimum of one or fifty per cent, whichever is greater.

aaa. HB1496 – Relating to Civil Rights:

- Establishes the position of Ka Papahana Kaiapuni Program Complex Area Superintendent. Requires that at least one at-large member of the Board of Education be a Hawaiian educator, practitioner, or scholar of Hawaiian studies or the Hawaiian language, to be selected from a list of three nominees submitted by the President of the Senate, Speaker of the House of Representatives, and Office of Hawaiian Affairs. Clarifies the purpose and objective of the Hawaiian Language Medium Education Program. Appropriates funds.

## 6. Announcements

If you need an auxiliary aid/service or other accommodation due to a disability, contact Marcus L. Kawatachi at (808) 586-8636 or [DLIR.HCRC.INFOR@hawaii.gov](mailto:DLIR.HCRC.INFOR@hawaii.gov)

Requests made as early as possible will allow more time to fulfill your request if possible.

Testimony can be submitted via e-mail to [DLIR.HCRC.INFOR@hawaii.gov](mailto:DLIR.HCRC.INFOR@hawaii.gov), marked TESTIMONY in the title, or mailed to Hawai'i Civil Rights Commission, 830 Punchbowl Street, Room 411, Honolulu, HI 96813. Oral testimony will also be accepted.

Board packets, if prepared, will be available pursuant to H.R.S. § 92-7.5.

If the remote connection (via Zoom) is lost, the meeting will be recessed for up to thirty (30) minutes to restore communication. If the connection is lost, we will attempt to restart the meeting again with the same link. If the Commission can reestablish audio

communication only, the meeting will be reconvened and continue. If the Commission is unable to reconvene the meeting because neither audiovisual communication nor audio communication can be reestablished within thirty minutes, the meeting will be automatically terminated.

**If you have trouble entering the meeting, please contact Sandy at (808) 586-8659**