



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KIWILA O HAWAI‘I

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MINUTES

Hawai‘i Civil Rights Commission Office
via Zoom

February 13 and February 20, 2025

2:00 p.m.

Commissioners: Chair Dr. William Puette, Jon Matsuoka, Arsima Muller, Jo-Ann Adams

Staff: Adjudication Administrative Assistant Sandy Yoshimura, Executive Director
Marcus Kawatachi, Deputy Executive Director Heather McVay, Enforcement
Attorney Joey Badua

Public: Michael Golojuch, Jr.

Chair Puette called the meeting to order.

Approval of Minutes

Minutes of the November 7, 2024, and November 19, 2024 meetings were approved.

Executive Director’s Report

Executive Director (ED) Marcus Kawatachi presented an FY 2025 HCRC Mediation Program year-to-date summary.

Summary of Mediation Program FY 2025 Year to Date (7/1/24 through 1/27/25)

Referrals:	16
Dispositions:	14
Settlements:	11
Non-agreements:	3
Settlement Rate:	78.6%

Dual-filed settlements:	9
State-only settlements:	2

Employment cases settled: 4
 Housing cases settled: 6
 Public accommodations cases settled: 1

Dispositions by Center:	Settlements/Dispositions:	Settlement Rate:
Mediation Center of the Pacific	4/6	80%
Mediation Services of Maui		
Private Mediators		
Ku'ikahi Mediation Services (Hilo)	1/1	100%
West Hawaii Mediation Center		
Kauai Economic Opportunity, Inc.		
Hawaii Civil Rights Commission	6/8	75%
OVERALL	11/14	78.6%

ED Kawatachi also presented a data and production report showing caseload data through January 27, 2025.

As of January 27, 2025, the written report showed 349 open cases.

Of the 349 open investigation cases, 1 (0.3%) was filed in 2017, 3 (0.9%) in 2018, 12 (3.4%) in 2019, 15 (4.3%) in 2020, 33 (9.5%) in 2021, 54 (15.5%) in 2022, 96 (27.5%) in 2023, 132 (37.8%) in 2024, and 3 (0.9%) in 2025.

ED Kawatachi reported a breakdown of the status of the open cases by type of case and investigation stage.

	<i>Year of Case Filing</i>									<u>Totals</u>
	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	
<u>Housing Cases:</u>	0	0	0	1	2	11	42	42	2	100
<u>Non-Housing Cases:</u>										
Response Monitoring	0	0	5	5	19	36	31	41	1	138
Mediation	0	0	3	5	9	4	11	20	0	52
Pending Assignment	0	0	3	2	2	1	2	15	0	25
Active Investigation	<u>1</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>10</u>	<u>14</u>	<u>0</u>	<u>34</u>
	1	3	12	15	33	54	96	132	3	349

The report indicated no new subpoena enforcement litigation.

Case Aging

35.5 % of all cases are 2 years or older.

14.9 % of all cases are over 18 months, but less than 2 years old.

13.5 % of all cases are over 12 months, but less than 18 months old.
 19.5 % of all cases are over 6 months but less than 12 months.
 16.6 % of all cases are 6 months or less.

The report also covered the year-to-date data for the past five fiscal years:

Category	7/1/20 – 1/27/21	7/1/21 – 1/27/22	7/1/22 – 1/27/23	7/1/23 – 1/27/24	7/1/24 – 1/27/25
PCQ Received	255	292	269	326	335
Intake Decision	215	254	265	323	320
Complaint Filed	118	112	99	111	81
Investigation Closed	118	164	112	123	103
Notice of Cause	7	14	7	2	9
Enforcement Closure	4	6	1	6	3

Chief Counsel’s Report

Update on cases docketed for contested case hearings: *Marcus L. Kawatachi, as Executive Director of the Hawai’i Civil Rights Commission, 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.

- a. A contested case hearing was held on December 2 and 3, 2024.
- b. The assigned hearings examiner was Leslie Hayashi, a retired judge. She should be filing her proposed decision (findings of fact and conclusions of law) soon.
- c. A deputy Attorney General from the labor division will review the proposed decision and the entire record (filed pleadings, exhibits, etc.) and then advise the Commission.
- d. No Commission action is needed at this time.

Update on proposed amendments to Hawai’i Administrative Rules, Title 12, Subtitle 46, Chapters 1-318:

- a. On January 16, 2025, Chief Counsel Constance Yonashiro appeared before the Small Business Regulatory Review Board (SBRRB) and presented the final proposed rule amendments that the Commission had approved during the meeting on November 19, 2024.
- b. The SBRRB approved the proposed rule amendments.
- c. HCRC staff sent the proposed rule amendments to the Director of the Department of Labor and Industrial Relations for review.

Discussion on Legislation

Staff Recommendation: Motion to 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.

Motion passed unanimously.

Commissioners took the following positions on legislation:

SB7 - Relating to Healthy Workplaces:

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.

No motion made, and no position taken.

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.

**Staff Recommendation: Motion to support
Motion to support passed unanimously.**

SB44 - Relating to Housing Discrimination:

Allows counties to prohibit discrimination against renters based on their source of income.

**Staff Recommendation: Motion to strongly support
Motion to strongly support passed unanimously.**

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.

**Staff Recommendation: Motion to support
Motion to support failed** (Commissioner Adams opposed, Commissioner Muller opposed, Commissioner Matsuoka supported, Chair Puette abstained)

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.

**Staff Recommendation: Motion to support
Motion to support passed unanimously.**

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.

**Staff Recommendation: Motion to strongly support
Motion to strongly support passed unanimously.**

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.

**Staff Recommendation: Motion to support
Motion to support passed unanimously.**

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.

**Staff Recommendation: Motion to support
Motion to support failed unanimously.**

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.

**Staff Recommendation: Motion to support
Motion to support passed unanimously.**

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.

No motion made, and no position taken.

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.

No motion made, and no position taken.

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.

No motion made, and no position taken.

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.

No motion made, and no position taken.

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.

No motion made, and no position taken.

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.

No motion made, and no position taken.

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.

No motion made, and no position taken.

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.

No motion made, and no position taken.

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.

No motion made, and no position taken.

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.

**Staff Recommendation: Motion to support
Motion to support passed unanimously.**

GM589 – Submitting for consideration and confirmation to the Civil Rights Commission, Gubernatorial Nominee, JO-ANN ADAMS, for a term to expire 06-30-2028.

**Staff Recommendation: Motion to strongly support
Motion to strongly support passed unanimously.**

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.

**Staff Recommendation: Motion to support
Motion to support passed unanimously.**

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.

**Staff Recommendation: Motion to support
Motion to support passed unanimously.**

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.

Staff Recommendation: Motion to support with reservations (reservations concerning newly added section (b) covering persons or businesses providing verification of a disability-related need for an emotional support animal)

Motion to support with reservations passed unanimously.

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.

Public testimony provided by Michael Golojuch, Jr.

Staff Recommendation: Motion to support with reservations (reservations to be articulated by HCRC staff in testimony)

Motion to support with reservations passed unanimously.

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.

Staff Recommendation: Motion to support

Motion to support passed unanimously.

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.

Staff Recommendation: Motion to support

Motion to support passed unanimously.

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.

Staff Recommendation: Motion to support HD1 with comments (recommending that only adjudicated complaints be reported to Department of Transportation, and that the deadline for completing investigations be removed)

Motion to support with comments passed unanimously.

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.

Staff Recommendation: Motion to strongly support
Motion to strongly support passed unanimously.

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.

Staff Recommendation: Motion to strongly support
Motion to strongly support passed unanimously.

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.

Staff Recommendation: Motion to strongly support
Motion to strongly support passed unanimously.

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.

Staff Recommendation: Motion to support
Motion to support passed unanimously.

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.

Staff Recommendation: Motion to support
Motion to support passed unanimously.

Next Meeting

To be determined.

Adjournment

**Draft minutes circulated by Marcus Kawatachi, Executive Director.
Approved by Commission, as circulated, on March 27, 2025.**