



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

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MINUTES

Hawai‘i Civil Rights Commission Office

via Zoom

January 27, 2026

11:30 a.m.

Commissioners: Chair Alphonso Braggs, Jon Matsuoka, Arsima Muller, Raymond Nichols

Staff: Executive Director Marcus L. Kawatachi, Deputy Executive Director Heather McVay, Administrative Assistant Sandy Yoshimura, Chief Counsel Constance Yonashiro, Staff Attorney Joey Badua, Staff Attorney Catherine Lowenberg, Intern Kai Shuto

Public: Peter Fritz, Kristine Pagano

Chair Braggs called the meeting to order at 11:36 a.m. The posted agenda for the meeting was unanimously adopted.

Approval of Minutes

The minutes of the January 20, 2026 meeting were approved as circulated.

Executive Director’s Report

The Executive Director’s Report was deferred to a later date.

Legislative Session Discussion

Discussion continued on 2026 legislation relating to civil rights. The Commissioners reviewed the Board Packet with staff recommendations, and decided on the HCRC positions for the following measures:

HB1522 – Hawai‘i Civil Rights Commission; Anti-discrimination; Statute of Limitations

Summary: Bill to extend the statute of limitations to file a complaint of discrimination from 180 days from the discriminatory act to one year, amending Haw. Rev. Stat. § 368-11

Commission Position: Support (see minutes of January 20, 2026 meeting)

HB1526— Anti-discrimination; Prohibitions; Certain Characteristics; Intersectionality

Summary: Explicit protection of intersectionality discrimination, perception of a protected class, association with a protected class; amends Haw. Rev. Stat. §§ 368, 368D, 378, 489, 515

Staff Recommendation: Support. The HCRC already recognizes protection for individuals with intersectional claims, however, this would codify and prevent the possible erosion of these rights in the courts. Protection for individuals who are perceived and associated with a protected class would broaden the protections granted to individuals in our state.

Commission Action: Commissioner Matsuoka moved to approve the staff recommendation to support. The motion passed unanimously.

HB1646— Rental Discrimination; Income; Attorneys' Fees

Summary: Allows the court to award attorneys' fees to a prevailing party in an action relating to discriminatory practices in a rental transaction based on source of income. (Companion bill SB2209)

Staff Recommendation: Support. The current law prohibits the award of attorneys' fees in cases relating to discriminatory practices in rental transactions because of source of income. This disincentivizes attorneys from taking these types of cases, and it may likewise discourage individuals, even if blatantly discriminated against, from seeking relief. HB1646 remedies this issue.

Commission Action: Commissioner Nichols moved to approve the staff recommendation to support. The motion passed unanimously.

SB2055— Civil Rights Commission; Civil Rights; Helpline; Federal Deployments; Annual Report

Summary: Requires the Civil Rights Commission to establish a helpline for individuals to submit reports of harms from federal deployments in the State. Requires the Civil Rights Commission to compile an annual report and hold an annual public hearing on data obtained through the helpline.

Staff Recommendation: Support with comments. Many studies show that hate crimes are underreported and individuals may fear retaliation or mistrust in law enforcement. This reporting system would address these issues. The most practical and cost-effective way to implement the helpline is through Hawaii's existing 211 hotline system, which has the capabilities to handle sensitive, anonymous calls, voicemail, and call back systems.

Commission Action: Chair Braggs moved to approve the staff recommendation to support with comments reflecting a concern about lack of funding and expansion of HCRC workload. The motion passed unanimously.

SB2150— Employment; Job Listing; Disclosure; Exemption

Summary: Requires hourly rate or salary ranges to be disclosed on job listings for full-time, part-time, temporary, or seasonal employees. Removes the exemption for employers having fewer than fifty employees. Amends Haw. Rev. Stat. § 378-2.8

Staff Recommendation: Support (compare to SB2386, below). Current law is vague, this bill addresses the most asked questions about compliance with this law.

SB2386— Employment; Job Listing; Disclosure; Exemption

Summary: Clarifies that the requirement to disclose hourly rates or salary ranges on job listings applies to full-time, part-time, temporary, or seasonal employment. Exempts employers having fewer than twenty-five employees, rather than fifty, from the disclosure. Amends Haw. Rev. Stat. § 378-2.8.

Staff Recommendation: Support (compare to SB2150, above) Current law is vague, this bill addresses the most asked questions about compliance with this law.

Commission Action: The Commissioners considered SB2150 and SB2386 in conjunction. Commissioner Muller made a motion to support both bills, but to state a preference for SB2150 due to its greater coverage of employers. The motion passed unanimously.

SB2210— HCRC; Discrimination; Income; Prohibited

Summary: Allows the Hawai'i Civil Rights Commission to prosecute discrimination based on source of income in housing cases. Amends Haw. Rev. Stat. § 368

Staff Recommendation: Support with comments. This bill would likely increase the amount of complaints filed with the HCRC.

Commission Action: Commissioner Muller moved to approve the staff recommendation to support with comments reflecting a concern about the impact on HCRC's caseload and requesting an appropriation. The motion passed unanimously.

SB2268— Equity; Universal Changing Accommodations; Public Accommodations; Public Entity Construction

Summary: Requires all places of public accommodation and public entity construction projects constructed after 7/31/2027 to provide universal changing accommodations that are equally accessible regardless of gender.

Staff Recommendation: Support. HCRC has submitted testimony in support of similar bills in past legislative sessions. Specifically excluded from HCRC enforcement

Commission Action: Commissioner Matsuoka moved to approve the staff recommendation to support. The motion passed unanimously.

SB2385— HEMA; Disaster Services; Disability-Related Planning; Disability Integration Specialist and Programming; Appropriation

Summary: Amends the Hawai'i Emergency Management Agency's functions to include ensuring compliance with the Americans with Disabilities Act and related federal and state disability access laws by integrating the needs of individuals with disabilities and others with access and functional needs into emergency planning, preparedness, response, recovery, and mitigation activities. Appropriates funds to establish a Disability Integration Specialist and for programming support for disability community projects.

Staff Recommendation: Support. During emergencies, timely information is critical and can be the difference between life and death. Amending the state's emergency management agency's functions to comply with state and federal accessibility laws is a step in the right direction, and recognizes that access to information for individuals with disabilities should not be an afterthought, but part of the planning/preparedness process.

Commission Action: Commissioner Nichols moved to approve the staff recommendation to support. The motion passed unanimously.

SB2051— Health Insurance; In Vitro Fertilization; Mandatory Insurance Coverage; Infertility; Same-Sex Couples; Unmarried Individuals; Transgender Persons; Male Infertility; Parity

Summary: Removes discriminatory requirements for mandatory insurance coverage of in vitro fertilization procedures to create parity of coverage for same-sex couples, unmarried individuals, transgender persons, and opposite-sex couples for whom male infertility is the relevant factor. Requires the insured or the insured's dependent spouse to have a history of infertility of at least six months' duration, rather than five years. Includes need for medical intervention to conceive due to physiological or anatomical factors.

Staff Recommendation: Support with comments. Although some insurance companies may offer policies that cover same-sex couples, unmarried individuals, transgender individuals, these policies are not protected by law. This bill intends on ensuring equal access to all couples regardless of marital and gender status.

Commission Action: Commissioner Matsuoka moved to approve the staff recommendation to support. The motion passed unanimously.

SB2038— Authorizes certain pregnant persons to receive abortion medication with a label that does not bear their name and other identifying information.

Summary: Authorizes certain pregnant persons to receive abortion medication with a label that does not bear their name and other identifying information.

Staff Recommendation: Support and/or monitor. Protects the identity/name of medical practitioners dispensing medication abortion care and the identity/name of the person for whom the drug was prescribed. HRS § 378-2(a)(1) protects employees from adverse actions based on the employee's reproductive health decisions. This bill increases protections for individuals seeking their right to reproductive healthcare, including abortive medication.

Commission Action: Commissioner Muller moved to approve the staff recommendation to support. The motion passed unanimously.

SB2081— Motor Vehicles; Certificate of Registration; Divorce Decree

Summary: Authorizes a person to remove their name from a certificate of registration from a motor vehicle if that person is party to a divorce decree that states that title to the motor vehicle was granted to the other party.

Staff Recommendation: Support with comments. Currently, there is no mechanism to bifurcate a jointly titled motor vehicle registration without signatures from both parties; however, it is common that one party may be awarded sole ownership of a jointly titled vehicle in a divorce decree. This would protect divorced individuals from liability resulting from vehicle abandonment, citation, etc., for vehicles they no longer own or possess. The HCRC comments that without the ability to easily bifurcate jointly titled vehicles, individuals seeking to divorce due to domestic violence, may be subject to continued mistreatment if the other party refuses to cooperate.

Commission Action: Commissioner Nichols moved to approve the staff recommendation to support with comments. The motion passed unanimously.

For all the following bills, the staff recommendation was to monitor only. Commissioner Muller moved to approve the staff recommendation to monitor these bills. The motion passed unanimously.

SB2017— DLIR; Employment Practices; Healthy Workplace Act; Abusive Conduct; Prohibition; Penalty; Private Cause of Action; Remedies; Rules

Summary: 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. Adds new part to Haw. Rev. Stat. 378

SB2040— Constitutional Amendment; Speech; Elections; Non-Natural Persons; Business Entities

Summary: Proposes an amendment to Article I, Section 4, of the Constitution of the State of Hawai'i to provide that the participation of non-natural persons in election activities and campaign finance activities may be regulated, restricted, or prohibited as provided by law.

SB2049— Law Enforcement; Biometric Surveillance Technology; Facial Recognition; Prohibition

Summary: Prohibits law enforcement agencies and law enforcement officers from using biometric surveillance technology in the State unless certain conditions are met.

SB2056— Individual Liberties; Law Enforcement Agencies; Prohibited Agreements

Summary: Prohibits law enforcement agencies from forming certain agreements with federal or out-of-state law enforcement agencies.

SB2057— State Agencies; Law Enforcement; Federal Agents; Assistance; Prohibition; First Amendment; Immigration Enforcement

Summary: Prohibits law enforcement agencies from using any personnel or funds originating in the state to assist or facilitate conduct by federal agents that exceeds their statutory duty or authority. Prohibits law enforcement officers from assisting or cooperating with or allowing resources to be used to facilitate federal agents engaged in operations that target individuals or entities for activities protected by the First Amendment of the United States Constitution or immigration enforcement operations.

SB2058— Safe Community Places; Voluntary Consent; Law Enforcement; First Amendment; Immigration Enforcement

Summary: Requires the Attorney General to designate safe community places. Prohibits employees at safe community places from providing voluntary consent to federal law enforcement agents for operations that identify or seek to identify apprehend, arrest, or impose any other penalty for activities protected by the First Amendment or immigration enforcement.

SB2059— Federal Immigration Enforcement; Delegation; Prohibited

Summary: Prohibits a law enforcement agency from entering into an agreement for the delegation of immigration enforcement authority to a state or county agency.

SB2270— Individuals with Disabilities; Access and Functional Needs; Housing Projects; Expedited Permits

Summary: Includes housing projects for individuals with disabilities and individuals with access and functional needs as eligible projects to apply for expedited permits.

SB2305— Driver's License; Permit; Civil Identification Card; Nonapparent Disability

Summary: Allows applicants for driver's permit, driver's license, or civil identification cards to request a nonapparent disability notation on their permit, license, or identification card.

SB2314— Hawaiian Language; State Law; Public Documents

Summary: Requires that the Hawaiian version of a law be held binding if the law in question was originally drafted in Hawaiian, or if the law was originally drafted in English and if the law was subsequently amended, codified, recodified, or reenacted in Hawaiian, and meets certain criteria.

Announcements

The next two meetings of the Commission will continue to focus on legislation and run for approximately 45 minutes, scheduled as follows:

- a. February 3, 2026, at 11:30 a.m., via Zoom
- b. February 10, 2026, at 11:30 a.m., via Zoom

Adjournment

The meeting was adjourned at 12:31 p.m.

Draft minutes circulated by Marcus Kawatachi, Executive Director.

Approved by Commission, as circulated, on _____.