



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KIWILA O HAWAI‘I

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 568-8692

MINUTES

Hawai‘i Civil Rights Commission Office
via Zoom

February 10, 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,

Public: Peter Fritz

Chair Braggs called the meeting to order at 11:30 a.m. The posted agenda for the meeting was unanimously adopted.

Approval of minutes deferred to next meeting.

Executive Director’s Request for Commission Action

- The Executive Director requested for extension of time to investigate open cases, pursuant to Hawai‘i Revised Statutes (HRS) § 368-13(b) and Hawai‘i Administrative Rules (HAR) § 12-46-12(f)
- **Commissioners voted unanimously to approve the request for an extension to investigate all open cases from March 31, 2026 until March 31, 2027**

Chief Counsel’s Request for Commission Action

- *MARCUS KAWATACHI, as Executive Director of the Hawai‘i Civil Rights Commission, on behalf of the Complaint filed by SHANNEL E. DIEDERIKS vs. Ali‘i Builders, LLC*
 - Request for a six-month extension of time to hold a contested case hearing, for good cause, pursuant to HAR § 12-46-46
 - **Commissioners voted unanimously for a six-month extension**
- *MARCUS KAWATACHI, as Executive Director of the Hawai‘i Civil Rights Commission, on behalf of the Complaint filed by FRANK RESURRECCION vs. K’S*

DRIVE-IN;

- Request for a six-month extension of time to hold a contested case hearing, for good cause, pursuant to HAR § 12-46-46
- **Commissioners voted unanimously for a six-month extension**

Chief Counsel's Report

Discussion on 2026 legislation relating to Civil Rights. Commissioners reviewed the Board Packet for 2026 Bills with staff recommendations, and decided on the HCRC position for the following measures:

HB2541: RELATING TO DISCRIMINATION.

Staff Recommendation/Discussion: This bill states that verification, if required by federal law, would not violate the law. Hawai'i is the most diverse state in the US with immigrants making up about 20 percent of the population. Support. Note: Chapter 515, HRS, which prohibits discrimination in housing is left out of the bill.

Commission Position: Commissioners voted unanimously to Support.

SB2868: RELATING TO HEALTH CARE. (companion HB1875)

Staff Recommendation/Discussion: Support. Clarifies when disclosures of protected health information are permitted and establishes protections against abusive litigation.

Commission Position: Commissioners voted unanimously to Support.

SB2869: RELATING TO MENTAL HEALTH. (companion HB1876)

Staff Recommendation/Discussion: Support. Amends the statute to prohibit conversion therapy not only for those under 18 years of age, but all ages. The conditional amendment re: Chiles v. Salazar, which involves challenging Colorado's prohibition on conversion therapy on the basis of protected free speech, this bill addresses "talk therapy in the form of pure speech" as an exemption.

Commission Position: Commissioners voted unanimously to Support.

SB2870: RELATING TO THE HAWAII STATE LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, PLUS COMMISSION. (companion HB1877)

Staff Recommendation/Discussion: Staff recommended support and that adding additional members will increase the diversity of perspectives and representation. Discussion on whether it is clear that new members would be advocates and commitment to LGBTQ causes. Commissioners discussed whether to support intent and comment that an addition would be to ensure membership is based on advocacy. Consideration of whether to support this bill without those comments.

Commission Position: Commissioners voted in majority to Support with Comments: Chair Braggs-aye; Matsuoka-aye; Muller-aye; Nichols-opposed. Support with comments with majority of votes, noting Nichols' reservations on this position.

SB2853: RELATING TO SERVICE ANIMALS. (companion HB1994)

Staff Recommendation/Discussion: Support intent with comments. There is already an existing law that makes it a civil violation to knowingly misrepresent a service animal. There is often confusion as to where the ADA might apply and where the Fair Housing Act applies. Chair has reservations here,—grave concerns that this is codifying something that does not clarify the issue—and increasing costs associated with service animals, increasing individual financial burden. Chair not in favor of this legislation that is not clear. ED mentioned HCRC submitted testimony last year on similar bill “support intent with comments” but could have easily been “opposed” concerns raised are contained in our testimony. Muller: it appears to be a disclosure issue, if you’re going to sell these things. Matsuoka: it’s a complicated issue and will abstain. Nichols: would support with comments.

Commission Position: Commissioners voted to Support with Comments, with Matsuoka abstaining.

SB2932: RELATING TO STATE FACILITIES. (companion to HB2389)

Staff Recommendation/Discussion: Support. Improving accessibility, especially in state buildings, benefits everyone. This bill would support freedom of movement for individuals with disabilities who may require assistance in toileting and their caretakers.

Commission Position: Commissioners voted unanimously to Support.

SB2876: RELATING TO NATURAL HAIR BRAIDING. (companion to HB1697)

Staff Recommendation/Discussion: Support. Natural hair braiding is a traditional practice that is distinct from the practice of cosmetology or barbering and requiring licensing may create an undue burden for those who engage in this cultural practice. Done by generations of aunties, cousins, sisters, who are not engaging in other forms of cosmetology that may need to be licensed. Limited exemptions.

Commission Position: Commissioners voted unanimously to Support.

SB3200: RELATING TO CULTURE.

Staff Recommendation/Discussion: Staff recommended support. Establishes Immigrants Day on October 28th, would change statehood day to a day of recognition. Chair believes no conflict with the other bill regarding La Hoi Hoi EA replacing Statehood day. Muller: regarding holidays, should HCRC support over one group over another, it may be a policy decision.

Commission Position: Commissioners voted in majority to Support: Chair Braggs-aye; Matsuoka-aye; Nichols-aye; Muller-opposed.

SB3238: RELATING TO LANGUAGE ACCESS.

Staff Recommendation/Discussion: Support. A large percentage of Hawaii’s population is multilingual and nearly twenty-five percent of the population speaks a language other than English at home. This bill aims to establish a program that enables eligible high school graduates who have earned the seal of biliteracy and community members with demonstrated biliteracy competency to be recognized as qualified translators and interpreters to fill the need of translators and interpreters. Hawaii's multilingual

population requires a trained and culturally competent workforce of translators and interpreters.

Commission Position: Commissioners voted unanimously to Support.

SB3239: RELATING TO LANGAUGE ACCESS. (companion HB2622)

Staff Recommendation/Discussion: Support. LEP individuals are still greatly underserved and language access needs remain largely unmet, especially in the event of an emergency where communication is critical. This bill aims to provide the Hawai'i emergency management agency with additional resources to fill these critical needs.

HB2443: RELATING TO DISASTER SERVICES.

Staff Recommendation/Discussion: Support. Integrates the needs of individuals with disabilities and others with access and functional needs into emergency planning, preparedness, response, recovery, and mitigation activities. Establishes a Disability Integration Specialist position, to be located in the Hawai'i Emergency Management Agency. Support for individuals with disability should not be an afterthought, but part of the planning process. One in five Hawaii residents has a disability.

Commission Position: Commissioners voted unanimously to Support.

SB2958: RELATING TO THE RESIDENTAL LANDLORD-TENANT CODE (companion HB2221)

Staff Recommendation/Discussion: Support. Prohibits charging application fees for criminal background checks or credit reports if certified copies are provided or if a comprehensive reusable tenant screening report is available; requires providing certified copies upon request. Different than SB2959, discussed on 2.3.26.

Commission Position: Commissioners voted unanimously to Support.

HB2370: RELATING TO WAGE EQUITY.

Staff Recommendation/Discussion: Support. Wage protections in the U.S. historically were rooted in racial discrimination. Still today, there are wage disparities that are inconsistent with the State's commitment to equity and fairness, and there are undervalued, but still essential, workers that are paid subminimum wages simply because of the nature/type of employment. This proposed constitutional amendment aims to reaffirm the State's commitment to wage equity for all individuals in the state.

Commission Position: Commissioners voted unanimously to Support.

HB2588: RELATING TO AMERICAN SIGN LANGUAGE INTERPRETING.

Staff Recommendation/Discussion: Support. There is a critical shortage of ASL interpreters in Hawai'i and Hawai'i is one of only eight states without an ASL interpreter training program.

Commission Position: Commissioners voted unanimously to Support.

HB2611: RELATING TO ANTITRUST.

Staff Recommendation/Discussion: Support. Concerns that reliance on algorithmic property management software will exacerbate discriminatory housing practices, as

learning models use existing information (that may already be discriminatory) in its recommendations.

Commission Position: Commissioners voted unanimously to Support.

SB2776: RELATING TO LAW ENFORCEMENT

Staff Recommendation/Discussion: Support. Limits and sets conditions for requests to federal law-enforcement agencies and for agreements with those agencies, with specified exceptions.

Commission Position: Commissioners voted unanimously to Support.

HB2607: RELATING TO PUBLICITY RIGHTS. (Companion bill SB2076)

Staff Recommendation/Discussion: Support. The exponential use of AI generated images, often using a real person's likeness, has increased in recent years. There is a gender disparity in the use of these AI generated images being used in nonconsensual ways, often targeting women.

Commission Position: Commissioners voted unanimously to Support.

Bills Staff Recommend Opposing:

HB2512: RELATING TO MEDICAL FREEDOM.

Staff Recommendation/Discussion: Oppose. Prohibits businesses, schools, daycares, and others from requiring the public or their employees the use of "medical intervention" unless required by law and other certain terms are met. "Medical intervention" is defined to include masks, vaccines, swabs, tests, etc.

Commission Position: Commissioners voted unanimously to Oppose.

HB2513: RELATING TO HEALTH CARE FOR MINORS.

Staff Recommendation/Discussion: Oppose. Allows for the AG to recover a civil penalty of \$25,000.00 per violation, along with court costs, and expenses, and risks the healthcare provider's licensing.

Commission Position: Commissioners voted unanimously to Oppose.

Bills Staff Recommend Monitoring, no Commission action, read for the record:

SB2936: RELATING TO PARKING FOR DISABLED PERSONS. (companion HB2442)

HB2360: RELATING TO PAID FAMILY LEAVE.

HB2510: RELATING TO TAXATION.

Identified companion bills read for the record of bills previously discussed at previous commission meetings

HB2217: RELATING TO IDENTIFICATION. (companion SB2305)

HB2367: RELATING TO EMPLOYMENT EARNING (companion bill SB2150)

HB2433: RELATING TO THE HAWAIIAN LANGUAGE. (companion SB2314)

Announcements

- a. March Commission meeting TBD

Adjournment

The meeting was adjourned at 12:45 p.m.

Draft minutes circulated by Constance Yonashiro, Chief Counsel.

Approved by Commission, as circulated, on March 24, 2026

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