



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.

*Hawaii Revised Statutes Chapter 515 & Hawaii 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:

HAWAI'I 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

Hawai'i Civil Rights Commission Real Property Transactions Pre-Complaint Questionnaire Information

The submission of a Pre-Complaint Questionnaire is the first step in filing a discrimination complaint with the Hawai'i Civil Rights Commission (HCRC). Upon review of your Pre-Complaint Questionnaire an investigator from the HCRC will contact you for an intake interview and, where appropriate, provide assistance in filing a formal complaint.

The information you provide in the Pre-Complaint Questionnaire will be used to investigate and process your real property discrimination complaint. All information provided to the HCRC in the course of an investigation is confidential and will not be disclosed EXCEPT:

- 1) where a court orders the disclosure of the records;
- 2) where federal fair housing law requires disclosure of the records;
- 3) where a notice of right to sue is issued and the parties to the charge request review of the files; or
- 4) where there is an express statement or implied threat to commit a crime of violence.

All complaints must be filed with the HCRC within 180 days of:

- 1) the alleged discriminatory practice; or
- 2) the date of the most recent occurrence in a pattern of ongoing discrimination.

The HCRC does not have jurisdiction over complaints filed after the expiration of 180 days.

Under Hawai'i law, you may not file an action in state court alleging discrimination in a real property transaction unless a complaint is first filed with the HCRC and the HCRC issues a notice of right to sue. You may request a right to sue letter after filing the complaint. A right to sue letter allows you to file a discrimination complaint in state court without further HCRC involvement.

You must contact the HCRC if you move, or change your address or telephone number. If we are unable to contact you, your case may be closed.

Please contact the HCRC if you would like help with the Pre-Complaint Questionnaire
or if you require an accommodation. If English is not your first language,
the HCRC will provide an interpreter at no cost to you.

If you live on Oahu call the HCRC by dialing:
586-8636 (Voice) or 586-8692 (TDD)

If you live on a Neighbor Island call the HCRC toll-free by dialing:

Kaua'i - 274-3141, ext 6-8636#
Maui - 984-2400, ext 6-8636#
Hawai'i - 974-4000, ext. 6-8636#
Lana'i & Moloka'i - 1-800-468-4644, ext. 6-8636#

Website: <http://hawaii.gov/labor/hcrc>

Grounds of Discrimination in Housing

Race	HIV Status
Ancestry/National Origin	Age
Religion	Marital Status
Color	Familial Status
Sex	Sexual Orientation
Gender Identity & Expression	Disability

The Hawai'i Civil Rights Commission Is Here to Help...

If you believe you have been a victim of discrimination, you have the right to file a complaint with the Hawai'i Civil Rights Commission (HCRC). We are here to help.

- **FILING A COMPLAINT** - You must file your complaint no later than 180 days from the last act of discrimination.
- **INTAKE INTERVIEW** – After you file a complaint, you will be interviewed by HCRC staff before 180-day timeline ends.
- **COMPLAINT SERVED** – After the intake interview, we will serve a written complaint on the respondent(s), together with a request for a written reply to the complaint. You will also receive a copy of the complaint.
- **INVESTIGATION** – Following the intake interview, the case will be assigned to an investigator. The investigation is neutral and objective fact-finding process.
- **DECISION** – After the investigation, we will decide if there is sufficient evidence of discrimination.
- **NOTIFICATION** – You will receive our decision and information about your options under the law.
- **PRE-DETERMINATION SETTLEMENT** – You can ask for pre-determination settlement at any time. In pre-determination settlement, we can transmit settlement offers between the parties or the parties may resolve the differences between themselves.
- **RIGHT TO SUE** – You may ask for a right to sue letter, at any time. A right to sue letter allows you to file a discrimination complaint in state court without further HCRC involvement.

**HAWAII CIVIL RIGHTS COMMISSION
PRE-COMPLAINT QUESTIONNAIRE - REAL PROPERTY TRANSACTIONS**

Instructions: Please type or print. Read this form carefully. If you do not know the answer or a question does not apply to you, please leave the space blank. You will be contacted for an interview after we receive this form. You must sign and date the form.

1. Personal Information:

Name: (Last) (First) (Middle / Initial)

Address:

City State Zip Code

Daytime Phone Number Cell Phone Number Evening Phone Number

Names of Other Adults Discriminated Against:

List Names: _____

Names of Children Discriminated Against:

List Names: _____

2. Who Else Can We Call If We Cannot Reach You?

Contact Name: _____

Daytime Phone Number Cell Phone Number Evening Phone Number

3. Who Do You Believe Discriminated Against You?

Name: _____

Address:

City State Zip Code

Daytime Phone Number Cell Phone Number Evening Phone Number

4. Mark the box that describes the person above: Landlord Owner

Bank/Other Lender Real Estate Agent Real Estate Management Company

Other: _____

5. When Was the Last Act of Alleged Discrimination? Date: _____

Is the Discrimination Continuing or Ongoing? Yes No

6. What Kind of House, Rental Unit or Property Was Involved? Single Family Home

Apartment Building (4+ units) Owner Lives on Property Public or Assisted Housing

Other: _____

7. What Is The Address Of The House, Rental Unit or Property?

Address: _____

City

State

Zip Code

8. I Believe I Was Discriminated Against Because Of My:

Race Color National Origin/Ancestry Age Marital Status Sex

Gender Identity or Expression Sexual Orientation Familial Status

Disability HIV Status Religion Retaliation

9. What Happened To You? Check All That Apply.

Refused an opportunity to rent/buy housing or told housing was not available when it was.

Refused a request to accommodate policies or practices, or to modify housing because of a disability.

Treated differently from other tenants or persons seeking housing.

Treated differently in terms of conditions of housing.

Refused housing because of occupancy limits.

Discriminated against in financing a home or property.

Retaliated, threatened, intimidated, or interfered with in the exercise of a fair housing right.

Other _____

10. If English is not your best language, we will provide a free interpreter.

Would you like a free interpreter? Yes No

If yes, what language? _____

11. Please indicate if you have any special needs that may require assistance.

Braille Interpreter (sign) other: _____

