

Honolulu, Hawaii

MAR 23 2007

RE: H.B. No. 469  
H.D. 1  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committees on Human Services and Public Housing and Commerce, Consumer Protection, and Affordable Housing, to which was referred H.B. No. 469, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS,"

beg leave to report as follows:

The purpose of this measure is to prohibit discrimination against domestic violence victims in real property transactions, specifically housing discrimination.

Hawaii Women Work and the American Association of University Women submitted testimony in support of this measure with amendments. Hawai'i Women Lawyers, the Legal Aid Society of Hawai'i, and Hawai'i Civil Rights Commission submitted testimony in support of the intent of this measure with amendments. The Hawaii Council of Associations of Apartment Owners and one individual submitted testimony in opposition to this measure. The Hawaii Association of Realtors and the Hawaii State Commission on the Status of Women submitted comments.

Your Committees find that recent amendments to the federal Violence Against Women Act of 1998, expressly prohibit federally-funded public housing agencies from terminating a lease due to incidents or threats of domestic violence, dating violence, or stalking. Further, according to the testimony of the Legal Aid Society of Hawai'i, some courts have recognized that discrimination against victims of domestic violence is discrimination under the



federal Fair Housing Act when it is based on gender stereotypes. This measure supports women who are trying to flee domestic violence. It creates a protected class for domestic violence victims so that they cannot be discriminated against in real property transactions.

There was concern expressed regarding whether this measure will impact a landlord's ability to lawfully enforce rules or to exercise existing remedies under the Residential Landlord-Tenant Code. It is your Committees' intent not to impact the Residential Landlord-Tenant Code nor any apartment, condominium, or house rules.

Your Committees have amended this measure by:

- (1) Under the definition of "victim of domestic violence":
  - (A) Deleting the requirement that the felony or misdemeanor crime of violence be committed within the past three years;
  - (B) Deleting the proviso regarding the circumstances under which a person shall not be considered a victim of domestic violence; and
  - (C) Adding language to include a person who has sought assistance for the domestic violence with a community resource, including a domestic violence agency, a minister, a therapist, or other social service agency;
- (2) Deleting the proposed section 515-3(14), Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Human Services and Public Housing and Commerce, Consumer Protection, and Affordable Housing that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 469, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 469, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on  
behalf of the members of the  
Committees on Human Services  
and Public Housing and  
Commerce, Consumer Protection,  
and Affordable Housing,

  
BRIAN T. TANIGUCHI, Chair

  
SUZANNE CHUN OAKLAND, Chair





The Senate  
Twenty-Fourth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Commerce, Consumer Protection and Affordable Housing**  
**CPH**

Bill / Resolution No.:* <i>HB469 HDI</i>	Committee Referral: <i>HSP/CPH, JDL</i>	Date: <i>3/19/2007</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IGE, David Y. (VC)		✓		
ESPERO, Will	✓			
IHARA, Jr., Les				✓
SAKAMOTO, Norman				✓
SLOM, Sam			✓	
<b>TOTAL</b>	<i>2</i>	<i>1</i>	<i>1</i>	<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>David Y. Ige</i></div>				
Distribution:            Original            Yellow            Pink File with Committee Report            Clerk's Office            Drafting Agency				

\*Only one measure per Record of Votes