



LEGAL AID
SOCIETY OF HAWAII



Fair Housing Enforcement Program

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Aloha!

April is Fair Housing Month! Each year, the Legal Aid Society of Hawai'i Fair Housing Enforcement Program celebrates the passage of the Fair Housing Act by educating the public on the importance of fair housing in our community. See below for information on fair housing rights and responsibilities training sessions and the "Fair Housing Is Our Kuleana" art contest.

April is also National Volunteer Month. Mahalo to our volunteer testers and their commitment to social justice and furthering the mission of the Fair Housing Enforcement Program! Interested in volunteering? See below for tester training information.

This month's fact sheet focuses on drug use and alcoholism in the fair housing context. Next month's newsletter will feature a fact sheet on religion as a protected class status in the Fair Housing context.

As always, be sure to check out our [website](#) for more program updates and resources!

Recent Fair Housing News

HUD to Implement Expanded Protections for Survivors of Domestic Violence

[\(Click here to read the Press Release\)](#)

U.S. Housing and Urban Development (HUD) Secretary Julián Castro announced a new proposed rule to increase protections for domestic violence survivors. The rule would implement the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), which expands HUD's authority to protect survivors of domestic and dating violence, stalking, and sexual assault who are residing in housing assisted by HUD.

Quick Links

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About Us

The Fair Housing Enforcement Program (FHEP) is a project of the Legal Aid Society of Hawaii. Our mission is to promote fair housing and end housing discrimination through education, advocacy, outreach, and litigation.

All people in Hawaii have the right to make housing choices without regard to race, color, religion, national origin, sex, disability, familial status, age, gender identity or expression, sexual orientation, marital status, or HIV infection.

If you believe you have been denied access to housing because of discrimination, you may call the FHEP Hotline at **808-527-8024** or from the

The VAWA 2013 reauthorization expanded legal protections to nearly all HUD programs. Previously, only residents of public housing and Section 8 tenant-based and project-based programs were covered through the VAWA 2005 legislation.

VAWA 2013 now also specifically extends housing protections to survivors of sexual assault, and adds "intimate partner" to the list of eligible relationships covered in the definition of domestic violence. VAWA 2013 also requires appropriate agencies to adopt a plan to respond to tenants' requests to be transferred to a different housing unit if they believe they are in danger if they do not move.

The proposed rule will be open for a 60-day public comment period. [Read the proposed rule here.](#)

Alleged Discrimination Lawsuit At Kansas And Missouri Apartment Complexes Settled

The Justice Department announced that Brisben Chimney Hills Limited Partnership and JRK Residential America LLC, the owners and the former manager of the Reserve apartment complex in Lenexa, Kansas, have agreed to pay \$170,000 to settle a lawsuit alleging violations of the Fair Housing Act (FHA). The lawsuit alleged that defendants instituted policies that discriminated against families with children. The lawsuit also alleged that a family was forced to leave the Reserve after they complained to management about the overly-restrictive policies.

([Click here for more information on the settlement.](#))

Fair Housing Rights & Responsibilities Training Sessions

Throughout the month of April, Legal Aid, along with the Hawaii Civil Rights Commission and the U.S. Department of Housing and Urban Development, will be hosting training sessions on fair housing rights and responsibilities. This year's training will focus on advanced fair housing topics, trends, and updates to the law.

The following training events have been confirmed for the month of April:

- [Hilo Half-Day Training](#): April 13, 2015
- [Kona Half-Day Training](#): April 20, 2015
- [Oahu Full Day Training](#): April 22, 2015

Neighbor Islands,
866-527-3247. Leave a message and our Intake Specialist will call to schedule an interview.

One of our staff attorneys will then review your case and determine whether we will be able to provide assistance.

- [Maui Full Day Training](#): April 24, 2015
- [Kauai Full Day Training](#): April 28, 2015

For more information on any of the listed trainings or to request a training, please contact the Fair Housing Enforcement Program (FHEP) at (808) 527-8024.

"Fair Housing Is Our Kuleana" Art Contest

The Legal Aid Society of Hawai'i Fair Housing Enforcement Program has launched the "Fair Housing Is Our Kuleana" art contest for high school students on Oahu to encourage them to learn more about the Fair Housing Act and express what fair housing means to them and to our community. The deadline to submit entries is **April 8, 2015**. The winners of the art contest will receive prizes from local sponsors. [Click here for more information.](#)

Fact Sheet: Drug Use and Alcoholism Under Federal and State Fair Housing Laws

The Fair Housing Act: Drug and Alcohol Addiction as a Disability

The Fair Housing Act prohibits discrimination on the basis of a handicap. The Act defines "handicap" as:

- 1) A physical or mental impairment which substantially limits one or more of such person's life activities,
- 2) A record of having such an impairment, or
- 3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

Congress and Courts have found that the term "physical or mental impairment" under the Fair Housing Act includes diseases such as drug addiction and alcoholism. Alcoholism includes both current and past alcoholism.

Establishing Alcoholism or Drug Addition as a Disability under the FHA

An individual claiming that he or she is disabled due to an alcoholism or drug addiction must still meet the requirements outlined above. An individual claiming this must show not only that he is an alcoholic or drug user in the past, but also that his alcoholism or drug addiction substantially limits or limited one or more major life activities. The impairment must have prevented or severely restricted the person from activities that are centrally important to most people's lives and must have been long term.

In addition, the individual must not be currently abusing drugs. The FHA does not expressly define what it means to be a current drug user, but courts have established that at the time of the alleged discrimination the individual must prove he was not using illegal drugs - even if the individual later uses illegal drugs again.

Even if an individual is disabled under the FHA due to alcoholism, a housing provider may still move forward with an eviction or termination of lease if the behavior resulting from alcohol abuse is a direct threat to the health and safety of other tenants. It is important to note that a direct threat means that an incident has taken place which threatened other people or property. The possibility of a direct threat is not sufficient to evict an individual suffering from alcoholism.

For example, if Tom Tenant is seen roaming around the property intoxicated, that alone is not enough to be considered a direct threat, even if a housing provider is worried he can possibly cause damage to a person or to property.

Examples of Housing Discrimination against a Recovering Alcoholic or Drug User

- * Refusing to rent or sell to a person who was once addicted to a controlled substance but is not a current user.
- * Asking for confirmation from a physician, social worker, or other third party to confirm that the person is able to live independently.
- * Imposing different terms or conditions because the individual is in recovery from drug or alcohol addiction.

*For a PDF version of this fact sheet, [please click here](#).

Upcoming Tester Training Sessions

The Fair Housing Tester Program will be having a tester training session for anyone that is eligible to attend. All interested candidates must be 18 years and older with no previous felony record, have no open case with the Legal Aid Society, and cannot have an active real estate license. If you are unable to attend these sessions, you may request a private training during general office hours. Please call the Fair Housing Tester Coordinator at (808) 527-8036 to register and to receive more details, or complete the online [pre-screening questionnaire](#).

The following tester training sessions have been

scheduled for the month of April:

- Oahu: Tuesday, April 7, 2015 5:00-7:00 p.m. in Honolulu
- Kona: Monday, April 20, 2015 5:00-7:00 p.m.
- Hilo: Tuesday, April 21, 2015 5:00-7:00 p.m.
- Maui: Friday, April 24, 2015 5:00-7:00 p.m.
- Kauai: Tuesday, April 28, 2015 5:00-7:00 p.m.

A Glimpse of Last Month's Outreaches

The FHEP team attended many outreaches last month. As usual, we attended our outreaches at St. Elizabeth's Church. We also attended the Heald College Resource Fair and the Celebrate Micronesia event.



Various performances and artists' showcases at the Celebrate Micronesia event.



It was raining during the Celebrate Micronesia event. Luckily, our booth was placed at the covered entrance at the Honolulu Academy of Art.

Outreach Events in April 2015

Weekly Outreach at St. Elizabeth Episcopal Church

FHEP Civil Rights Advocate, Madonna will join Health Connector Advocate, Jojo Peter, at St. Elizabeth Episcopal Church in Kalihi on April 9th and 30th from 12:00 - 2:00 p.m. to provide educational and outreach materials. Onsite intake services will also be available.

If you or anyone you know has a fair housing issue and is interested in applying for Legal Aid services, feel free to come down. A Chuukese interpreter will also be available.

For more information on this outreach, please contact Madonna at (808) 527-8083.

Did you know...

April is also National Poetry Month. Last year, the National Fair Housing Alliance (NFHA) hosted a special poetry slam to celebrate both Fair Housing Month and National Poetry Month. To learn more and access video, click [here](#).

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Please forward this email to other interested parties

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