



LEGAL AID
SOCIETY OF HAWAII



Fair Housing Enforcement Program

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Aloha!

January was a big month for Fair Housing advocates as the Supreme Court heard oral arguments on the disparate impact issue. We have provided a brief synopsis of the case below. This month our fact sheet discusses advertising under the Fair Housing Act. Next month we will focus on exemptions under the Fair Housing Act and state real property discrimination law.

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

Recent Fair Housing News

On January 21, 2015, the U.S. Supreme Court heard oral arguments in *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project, Inc.* At issue in this case is the ability to bring Fair Housing claims based on disparate impact. Disparate impact claims are based on a practice's discriminatory effect, even when there is no discriminatory purpose. This would enable plaintiffs to bring suit against housing providers for Fair Housing violations without having to prove discriminatory intent. The discriminatory effect - such as racial segregation - would be sufficient proof under disparate impact theory. The decision in this case will set an important precedent for future Fair Housing cases. The U.S. Supreme Court is expected to decide on this case by July 2015.

The U.S. Department of Housing and Urban Development (HUD) charged a Brooklyn co-op with housing discrimination for its refusal to allow a veteran with a mental disability to keep his emotional support animal. Trump Village IV and the president of its board of directors were charged with wrongfully denying the reasonable accommodation request for the support animal and also with retaliation when they tried to evict

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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 veteran and his wife after filing their fair housing complaint. Under the Fair Housing Act, it is unlawful to refuse to make reasonable accommodations in policies and practices - such as a waiver to a "no-pets" policy - when a person with a disability requires an accommodation.

Advertising Under the Fair Housing Act

The Fair Housing Act (FHA) makes it unlawful "to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national original, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c).

- It is important to note that this applies to all spoken or written statements, including words, pictures, or symbols that suggests that housing is not available to a particular groups.

The prohibition against discriminatory advertising also applies to advertisements where the underlying property may be exempt from the FHA. In other words, if a property is exempt under the "Mrs. Murphy's Exemption," the housing provider (Mrs. Murphy) may still be in violation of the advertising section of the FHA if she makes or publishes a discriminatory statement, even though she is exempt from following other areas of the FHA, such as permitting an accommodation for a disabled tenant.

Advertising Related to Religious Discrimination

If the legal name of a property contains a religious reference (or its logo contains a religious symbol), the ad containing the name or logo may indicate a religious preference to a potential tenant. However, if the ad also includes a disclaimer that the housing provider does not discriminate, the ad will most likely not violate the law since the housing provider is expressly attempting to negate the potential discriminatory effect of the religious reference.

Advertisements with Commonly-Used Terms

Terms such as "mother-in-law suite" and "bachelor pad" are commonly used as physical descriptions. In most cases, these descriptive terms will not violate the FHA. In Hawaii, the term "Ohana unit" may be used in an ad. The same would hold true to using this term if it is being used

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.

as a means of description to indicate a free standing unit on a larger property.

Examples of Discriminatory Advertising

- A condominium complex with a written rule which states that individuals under 16 years of age are prohibited from residing at the complex. This is also a violation of the Fair Housing Act prohibiting discrimination based on familial status.
- A rental office which has pictures of only white residents on its walls.
- An advertisement which includes a picture of a nearby church.
- A real estate agent describing a neighborhood in racial or ethnic terms to a home seeker.

Advertisements for available housing should not describe the type of tenant a housing provider is looking for. The advertisement should provide only a description of the property and the unit.

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.

The next sessions on Oahu will be on Thursday, February 12th and Wednesday, February 18th, both from 5:00 p.m. - 7:00 p.m. in Honolulu. The next training session for Maui will be on Tuesday, February 10th from 5:00 p.m. - 7:00 p.m. in Wailuku. Please call the Investigation Coordinator at (808) 527-8017 to register and to receive more details. or complete the online [pre-screening questionnaire](#).

Outreach Events in February 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 February 5th and 12th from

11:00 am - 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.

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Please forward this email to other interested parties

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