



LEGAL AID  
SOCIETY OF HAWAII



## Fair Housing Enforcement Program

March 2015

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### Aloha!

In preparation of the upcoming Fair Housing month, the Legal Aid Society of Hawaii is hosting an art contest open to high school students. We hope this contest will promote awareness of Fair Housing law to the public. For more information on the Fair Housing Art contest, please scroll to the bottom of the newsletter.

This month's newsletter focuses on exemptions under the Fair Housing Act and state real property discrimination law. Next month's newsletter will feature a fact sheet on drug use and alcoholism in the fair housing context.

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

### April is Fair Housing Month!

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
- 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.

### Recent Fair Housing News

### Quick Links

[Visit Our Website!](#)

[Learn More About Fair Housing](#)

[Request a Training](#)

[Contact Us](#)

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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

## HUD GUIDANCE ON APPROPRIATE PLACEMENT FOR TRANSGENDER PERSONS IN HOMELESS SHELTERS

The U.S. Department of Housing and Urban Development (HUD) issued new guidance on how to best [serve transgender persons in single-sex shelter facilities](#). The guidance will help address the fact that almost 40 percent of homeless youth are LGBT, and the majority of them report harassment, difficulty, or even sexual assault when trying to access homeless shelters. The guidance states that a transgender client's own views with respect to personal health and safety deserve serious consideration when placing the person in a single sex shelter. It also guides providers on how best to address privacy and safety concerns within the facilities in ways that do not segregate or isolate transgender individuals.

## HUD SETTLES ALLEGATIONS OF HOUSING DISCRIMINATION AGAINST VICTIMS OF DOMESTIC VIOLENCE

HUD reached a Conciliation Agreement with the city of Berlin, New Hampshire, settling charges that the municipality violated the Fair Housing Act when it enacted an ordinance requiring landlords to evict tenants cited three or more times for "disorderly action," or risk being fined and/or losing their rental license. The ordinance made no exception for victims of domestic violence, which are overwhelmingly women who need police assistance. "When landlords evict victims of domestic violence, they victimize those individuals a second time," said Gustavo Velasquez, HUD's Assistant Secretary.

Under the Agreement, Berlin will amend its ordinance to include language stating that the "...ordinance is not intended to be used against victims of reported incidents of domestic violence." The city will also modify its definition of "disorderly action" to state that "disorderly action" will not include the actions of victims of reported domestic violence incidents.

This settlement confirms that because women are overwhelmingly the victims of domestic violence, domestic violence survivors who are denied housing, evicted, or deprived of assistance based on that violence have a cause of action for sex discrimination under the Fair Housing Act.

## COLDWELL BANKER SETTLES DISCRIMINATION ALLEGATIONS WITH MASSACHUSETTS

The Massachusetts Attorney General reached a settlement agreement with Coldwell Banker Residential Brokerage over allegations that it posted rental ads on Craigslist that discouraged families with children from applying.

The real estate company allegedly led prospective tenants

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.

with children to believe that landlords wouldn't remove lead from rental property. Fair housing tests by the Suffolk University Housing Discrimination Testing Program discovered that Coldwell Banker participated in a pattern of steering families with children away from available housing because of a landlord's refusal to comply with the lead laws.

Coldwell Banker will create new anti-discrimination policies and some of its agents will be required to attend fair housing training. The company will pay \$17,500 to Massachusetts, including \$5,000 for the Childhood Lead Poisoning Prevention Program.

## Q & A: Exemptions Under Federal and State Fair Housing Laws

The federal Fair Housing Act provides an exemption provides exemptions to the following types of housing situations:

- Religious organizations and nonprofit institutions associated with religious organizations. These groups are permitted to limit the sale, rental, and occupancy of dwellings they own and operate **for non-commercial reasons to persons of the same religion**. This exemption is only valid, however, if membership in the religion is not restricted on the basis of race, color or national origin.
- Private clubs which provide housing for other than commercial purposes as long as the provision of housing is "incident[al] to its primary purpose" 24 CFR 100.10(a)(2).
- Housing for older persons as defined under the act.
- Homes sold or rented by the owner without the services of the real estate agent, broker, or any person in the business of buying and selling real estate so long as the owner has no interest in the proceeds, has most recently lived in the property at issue, and owns no more than three single family homes. *Please contact the Fair Housing Enforcement Program for more details related to this exemption.*
- Transactions involving apartments located within private homes or buildings containing four or fewer living units in which the owner resides in one unit. ("Mrs. Murphy's Exemption")

\*\*\*Prohibitions against the making of discriminatory statements **are not covered by the provisions for the "Mrs. Murphy" or single-family home exemption**. In other words, discriminatory advertising, statements, or notices related to real estate transactions, may be prohibited even where the underlying transaction is exempt.

**Please Note:** Although the situations listed above are exempt from the federal Fair Housing Act, there is no single-

family home exemption or private club exemption under the state fair housing law. What this means is that if a housing provider falls under one of these exemptions under the federal law, they may still be in violation of state fair housing laws.

### **"Mrs. Murphy's Exemption" Questions and Answers**

Perhaps the most common exemption is the "Mrs. Murphy's Exemption." Here are some question and answer scenarios that may help to understand this exemption better.

**Q: I am a property owner and I live in a home that I also rent out to five other families. I was told about a "Mrs. Murphy" exemption under the federal Fair Housing Act. Does the Mrs. Murphy exemption apply to my situation?**

**A:** The Mrs. Murphy exemption applies to a property owner that lives in the dwelling and rents to four or less families living independently of each other. Since you are renting to five families in your dwelling, the Mrs. Murphy exemption would not apply to your situation.

**Q: When does the Mrs. Murphy exemption apply and what does it exempt?**

**A:** The Mrs. Murphy exemption exempts the application of many provisions under the Fair Housing Act to certain property owners. The Mrs. Murphy exemption applies to property owners that live in a dwelling with four or less families living independently of each other. If a tenant asserts their rights and claims a violation of the Fair Housing Act, a property owner may use this exemption as a defense.

**Q: Are there situations where the Mrs. Murphy exemption does not apply?**

**A:** Yes, the Mrs. Murphy exemption does not apply to any publication statements with respect to any preference, limitation, or discrimination based on any protected class. This means that property owners are not allowed to list any preference, limitation, or discrimination of a protected class in advertisements.

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

### **A Glimpse of Last Month's Outreaches**

The FHEP team attended many outreaches last month. As usual, we attended our weekly outreach at St. Elizabeth's Church. We also attended outreach events at Catholic , Rent to Work, Campbell High School Resource and Wellness Fair, and manned a booth at the 90th Annual Ho'olaule'a at Kamehameha Schools.



Kamehameha schools performing during the 90th Annual Ho'olaule'a.

### 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 session on Oahu will be on Tuesday, March 10th from 5:00 p.m. - 7:00 p.m. in Honolulu. If you are unable to attend this session, you may request a private training during general office hours. Please call the Investigation Coordinator at (808) 527-8017 to register and to receive more details, or complete the online [pre-screening questionnaire](#).



Erin White and Janessa Maddox, AmeriCorps Advocate passing out brochures at the 90th Annual Ho'olaule'a.

We are pleased to welcome Erin White, our new Outreach Specialist. If you need information on Tester Training sessions and Outreach information, please contact Erin at 808-527-8036.

## Outreach Events in March 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 March 5th, 12th, and 19th from 11:30 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.

## Fair Housing Art Contest

With the help of Honolulu City & County, Department of Housing and Urban Development, and the Hawaii Civil Rights Commission; we are hosting an art contest open to high school students. The grand prize winner is awarded a surf board, an opportunity to be honored at the Mayor's Proclamation event on April 16, 2015, and their art work to be displayed at Honolulu Hale. Check out the flier [for more information](#).

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Please forward this email to other interested parties

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