



LEGAL AID
SOCIETY OF HAWAI'I



Fair Housing Enforcement Program

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Aloha!

Thanks for reading the Legal Aid Society of Hawaii Fair Housing Enforcement Program newsletter! This month's newsletter discusses the American with Disabilities Act (ADA) and its relation to the Fair Housing Act (FHA). Next month we will provide information on sexual harassment and its relationship to the FHA.

Be sure to check out our [website](#) for more program updates and more fair housing resources.

Recent Fair Housing News

An Ohio couple accused of refusing to rent apartments to black people because they "decrease the value of the complex" have agreed to pay \$850,000 to settle a lawsuit. The couple was also accused of discriminating against families with children, telling managers families "should be restricted to basement or first floor units."

A transgender woman and her partner have settled a lawsuit alleging unfair housing practices by an RV park owner. The RV park owner evicted the couple because he did not like the woman's gender identity. The RV park owner agreed to pay the woman and her partner \$4,000 in damages to settle the case.

In New York, developers of mixed-use residences and housing developments receiving low-income tax credits are under fire after plans indicated that affordable units and low-income housing within a housing complex will be grouped together and will have a separate entrance, disassociated from individuals who pay market rate for their units. Many believe this to be a constitutional violation and create "separate but unequal buildings."

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

The Fair Housing Act and the Americans with Disabilities Act in the Housing Context

The Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA) are civil rights acts that address discrimination. The protected classes under the FHA include race, color, religion, sex, national origin, familial status, and disability. In contrast, the ADA only protects individuals with disabilities.

The FHA prohibits discrimination in the operation, leasing, or sale of housing, while the ADA prohibits discrimination in places of public accommodation, such as restaurants, retail stores, libraries, and hospitals. In the housing context, the ADA covers public housing that meets the ADA definition of "public entity," as well as housing operated by the state or county, such as housing on a public university campus.

Accessibility under the FHA and ADA

There are areas in multifamily housing developments that must be accessible under both FHA and ADA standards. For example, if a housing complex has a rental office or recreational center that is open to the public, these areas need to comply with both the ADA and the FHA. Common use areas that are used only by residents and their guests are not covered by the ADA.

If your housing development has a rental office or a "public accommodation" covered under the ADA, or if parking spaces are provided for persons other than residents, there must also be a marked handicap accessible stall compliant with the ADA. These accessible stalls are, however, different from accessible stalls a resident can request if they are living on the property. For more information on stalls for residents, please review our "[Specific Parking Stall as a Reasonable Accommodation: Q&A](#)"

Assistance Animals (FHA) v. Service Animals (ADA)

The FHA provides that, if requested as an accommodation for a disability, a housing provider may need to modify its rules to allow a resident to keep an assistance animal. This animal can include a trained service dog as defined under the ADA, but also includes emotional support animals who do not need special training. An assistance animal under the FHA can be a dog, cat, bird, fish, rabbit, or a wide variety of other animals. Under the FHA, a housing provider can request verification of a disability (if the disability is not readily

discrimination, you may call the FHEP Hotline at **808-527-8024** or from the 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.

apparent) and that the animal alleviates one or more symptoms of the disability.

On the other hand, the ADA provides that only service dogs (or service miniature horses) who are specifically trained to provide a service to a disabled person are allowed in a place of public accommodation. The fact that an animal wears a vest or has certification is irrelevant and does not prove that it is a service animal.

Emotional support animals, comfort animals and therapy animals DO NOT qualify for access to a place of public accommodation. Service animals in training are also not considered service animals under the ADA.

The ADA allows staff working at a place of public accommodation to ask only two questions: (1) "Is the dog a service animal required because of a disability?" and (2) "What work has the dog been trained to perform?"

BOTTOM LINE: A service animal, as defined under the ADA, is also an assistance animal under the FHA. But an assistance animal is not necessarily a service animal. An assistance animal that is providing emotional support in one's home most likely does not meet the definition of a service animal that can be taken into a place of public accommodation.

Please [click here for a PDF version](#) of our ADA v. FHA fact sheet.

Upcoming Training Sessions

Kauai Tester Training

September 2, 2014, 5:00 p.m. - 7:00 p.m

Ms. Stewart will host a tester training session for individuals interested in becoming a Fair Housing tester. For registration information, please call the Investigation Coordinators at (808) 527-8017 or (808) 527-8078 or complete the [pre-screening questionnaire](#).

Outreach Events in September 2014

On September 4, 2014 from 1:30 pm - 3:30 pm, a fair housing advocate will be at St. Elizabeth's Episcopal Church in Kalihi distributing information on Fair Housing and conducting on-site intake services. For more

information on the outreach, please contact us at info@fairhousinghawaii.org.

13th Annual Native Hawaiian Convention

The Fair Housing Enforcement Program will be present at the 13th Annual Native Hawaiian Convention distributing information about Legal Aid services. Put on by the Council for Native Hawaiian Advancement (CNHA), the convention will run from September 30th to October 2, 2014 from 8am to 3pm with the theme "We Are Many, We Are One," which references the individual identities within the broader Native Community.

Legal Aid Society of Hawaii | info@fairhousinghawaii.org | <http://www.fairhousinghawaii.org>
924 Bethel Street
Honolulu, HI 96813

Please forward this email to other interested parties

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Legal Aid Society of Hawaii | 924 Bethel Street | Honolulu | HI | 96813