



Fair Housing Enforcement Program

September 2015

Volume 2, Issue 9

Aloha!



Winning artwork from "Fair Housing Is Our Kuleana" Art Contest 2015

Happy Fall! Read below to learn more about recent news and FHEP outreach efforts. This month's fact sheet focuses on Hawaii legislative updates as related to Fair Housing. Next month, the newsletter will feature a fact sheet on the Fair Housing Act and individuals with mental disabilities.

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

Recent Fair Housing News

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

Settlements Reached in Disability Discrimination Cases

On August 27, 2015 a settlement was approved in a lawsuit against a national housing developer alleging improper design and construction of two multi-family residential developments in New York. The case stemmed from a complaint lodged with the Fair Housing Justice Center (FHJC), and subsequent testing revealed multiple violations. The defendants will pay \$1.3 million, including \$900,000 to the plaintiffs for damages, attorney fees, and costs to retrofit the apartment for the plaintiff, and \$400,000 to FHJC to establish an Accessibility Fund, and are required to make retrofits to the common areas at one of the developments, adopt fair housing policies, attend fair housing training, and allow FHJC to monitor their future multifamily residential construction for four years.

To read more, click [here](#).

The Justice Department reached a settlement agreement with developer Biafora and affiliated companies resolving claims that defendants violated the Fair Housing Act by building 23 apartment complexes in West Virginia and Philadelphia that were inaccessible to persons with disabilities. Defendants will pay \$180,000 to establish a settlement fund and \$25,000 as a civil penalty, make extensive retrofits to make the complexes accessible, construct a new apartment complex with 100 accessible units, participate in fair housing training, and report periodically to the Justice Department.

To read more, click [here](#).

A settlement was reached with a Massachusetts landlord, property management company, and condominium involving allegations that the defendants failed to timely grant reasonable accommodations requests. The landlord discriminated against the tenant on the basis of disability by failing to grant a request for a ramp for over a year and improperly failing to permit the tenant to use another entrance. The defendants will pay \$15,000, attend fair housing training, adopt a Fair Housing Policy, and continue to maintain the ramp.

To read more, click [here](#).

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.

Settlement in Illinois Race, Familial Status Discrimination Case

The Justice Department and the owners and operators of an Illinois mobile home community reached a settlement. The case started when the Justice Department received a complaint, and testing revealed racial discrimination. Under the agreement, the defendants will pay \$251,500 in damages, attorney's fees, and civil penalty, implement a non-discrimination policy, establish new application procedures, and attend fair housing training.

To read more, click [here](#).

HUD Charges South Dakota Owners with Disability Discrimination

On August 3, 2015 HUD announced it had filed a lawsuit against South Dakota property owners and landlords. Allegedly, the defendants violated the fair housing act by refusing to allow a resident with disabilities to use a wheelchair in his apartment and refusing to return his deposit when he was forced to move.

To read more, click [here](#).

ACLU Files Suit Challenging an Arizona "Nuisance" Law

The ACLU is challenging a Surprise, Arizona City law on behalf of a domestic violence survivor under the Fair Housing Act. The city ordinance pressures landlords to evict tenants who call the police four or more times in 30 days or for crimes occurring on the property, regardless of whether the tenant is a victim. Among other claims, the ACLU argues the ordinance violates the Fair Housing Act's prohibition on gender discrimination as a disproportionate number of victims of domestic violence are women.

To read more, click [here](#).

Articles Related to Fair Housing

For additional reading, click [here](#) for ProPublica's article entitled "School Segregation, The Continuing Tragedy of Ferguson," [here](#) for A New York Times article entitled "A Year After Ferguson, Housing Segregation Defies Tools to Erase It," and [here](#) for a Huffington Post article entitled, "The Startling Effects of Housing Discrimination in Ferguson."

2015 Hawai'i Legislative Session Updates on

Fair Housing

Two bills passed by the 2015 Hawai'i Legislature were signed into law in July of 2015. Act 220 relates to domestic violence and provides certain protections and remedies for victims of domestic violence. Act 242 relates to medical marijuana and the use of reasonable accommodations for qualified patients to use medical marijuana in their homes.

Act 220 (Bill: HB858 HD2 SD2 CD1)

Act 220 provides protections for victims of domestic violence under the Residential Landlord-Tenant Code. A tenant, or an immediate family member of the tenant who is living in the rental unit, that is a victim of domestic violence may ask the landlord to terminate the rental agreement. The tenant would need to provide their landlord with a written notice of early termination of rental agreement along with documentation evidencing domestic violence - such as a copy of a protective order, police report, or conviction relating to domestic violence. In instances where there are multiple tenants on the lease, the victim of domestic violence may terminate their part of the lease without terminating the lease for all other tenants.

If the tenant or immediate family member of the tenant is a victim of domestic violence and chooses to remain in the unit, they may require the landlord to change the locks to the dwelling unit. However, if the person who committed domestic violence is also a party to the lease, then the locks may not be changed without a court order that orders the person to vacate the rental unit.

In the event that the person who committed domestic violence against the tenant or immediate family member of the tenant is ordered to vacate the unit, the landlord and tenant have no duty to allow access to the rental unit unless the person is accompanied by a law enforcement office, or to provide the person with keys to the dwelling unit.

Act 220 also shifts liability for actual damages caused by the tenant's early termination of the rental agreement to the person who committed domestic violence. This applies whether or not the person who committed domestic violence is a party to the rental agreement.

Effective date: November 1, 2015

Act 242 (Bill: SB1291 SD2 HD2 CD1)

Act 242 prohibits housing discrimination on the basis of a person's status as a qualifying patient or primary caregiver in the state's medical marijuana program. Provisions in house rules, declarations, or other condominium or association documents may not prohibit the use of medical marijuana unless the provision also prohibits smoking of tobacco and the medical marijuana is used via smoking. Qualified patients or caregivers may seek reasonable accommodations to any nonsmoking policies.

Since marijuana is still illegal under federal law, a housing provider is not required to allow the use of medical marijuana on property if the housing provider could lose a monetary or licensing-related benefit under federal law or regulation.

Effective date: July 14, 2015

*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 following tester training sessions have been scheduled for the month of August:

Oahu: Tuesday, September 8, 2015 5:00-7:00 p.m.
in Honolulu

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](#).

August FHEP Outreaches

FHEP staff attended several events in August

including the 8th Annual Hawaii Conference on Language Access on August 14, 2015, and the Hawaii Advisory Committee to U.S. Commission on Civil Rights public meeting on Micronesian Immigration Issues on August 20, 2015. On August 28, 2015, staff members from the FHEP unit and the Hawaii Immigrant Justice Center teamed up to represent the Legal Aid Society of Hawai'i at the grand opening celebration of We Are Oceania (WAO), which serves to support Native Pacific Islanders from the Micronesia region to achieve self-sufficiency. Special guests, including Esther Kia'aina from the Department of Interior, Consul General Kandhi Eleisar from the Federal States of Micronesia Consulate Office, and Dr. Rachael Wong from Department of Human Services were present at the event.

Did you know?

FHEP offers free training on fair housing. Our training seminar options cover a range of topics from general fair housing information to specific areas such as reasonable accommodation requests, assistance animals, and others. Please contact Madonna at (808) 527-8083 to schedule a free training on fair housing.

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

Please forward this email to other interested parties

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