



**LEGAL AID**  
SOCIETY OF HAWAI'I



## Fair Housing Enforcement Program

August 2014

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### Aloha!

The focus of this month's newsletter is on families and children. Next month's newsletter will focus on the relationship between the Fair Housing Act and Americans with Disabilities Act

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

### Recent Fair Housing News

Respondents in a Connecticut case paid \$24,000 to settle a case in which they had published advertisements for rentals that specified children were not permitted. It is unlawful to refuse to sell or rent to families with minor children, unless the property qualifies as housing for older people.

In Iowa, Respondents unlawfully retaliated against a tenant who filed a discrimination complaint. Even though the discrimination complaint was dismissed for lack of cause, Respondents were liable for their retaliatory actions and the emotional distress it caused. The complainant was awarded \$20,000 in emotional distress damages.

### Questions and Answers?

**I want to limit the number of people who can live in one of my units. Can I do that without violating the Fair Housing Act?**

Occupancy limits implicate Fair Housing law because

### Quick Links

[Visit Our Website!](#)

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[Request a Training](#)

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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

they can have an effect on familial status. It is important to apply policies uniformly, and not target one group of people. Occupancy limits may also need to be in compliance with city and county regulations, but these uniform occupancy limits must also be reasonable. For example, allowing only one person to live in a 3 bedroom apartment is not reasonable. Generally, the Department of Housing and Urban Development states that restricting occupancy to two persons in a bedroom is reasonable under the Fair Housing Act.

**The second floor units of my apartment building have lanais with railings. I worry that a child will fall over the side of the lanai. Am I able to warn potential tenants with children of this danger or can I recommend a first floor unit?**

Only warning potential tenants with children that the lanai may be dangerous or recommending a first floor unit for potential tenants with children may be in violation of the Fair Housing Act. Your concern over the low railing is valid, but you cannot target families to warn of this danger. If you have safety concerns about the low railing, warn all tenants considering moving into second floor units, not just those with children. Recommending families move to a first floor unit because of a danger is considered steering and would be a violation of the Fair Housing Act.

**Our apartment complex has a rule stating that there is no bicycle riding in the complex. My children ride their bicycles and are reprimanded. However, I see adult tenants riding their bicycles to work and they aren't reprimanded. Is this discriminatory?**

A house rule that states, "No children can ride bicycles in the common area" is discriminatory on its face. Even a broader house rule stating "no bicycle riding in the complex" can lead to discriminatory acts if it is unfairly enforced against only children. So long as the resident managers, security guards, or anyone else enforcing the rules are doing so to all tenants regardless of age, the rule and their actions are not discriminatory.

For more questions and answers regarding parking stalls and for a printable PDF version of our Question and Answers Fact Sheet, please [click here](#).

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.

**Fair Housing Enforcement Program in the Community**



### **Fair Housing Overview Training Held on Oahu**

On July 15, 2014, Hawaii Civil Rights Commission, HUD, City and County of Honolulu, and Legal Aid's Fair Housing Enforcement Program provided two free training sessions on general fair housing topics to property managers, real estate agents, and others interested in learning more about fair housing at the Hawaii State Capitol Auditorium. Special thanks to the City and County of Honolulu for hosting the training sessions and providing the venue.

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### **Oahu Tester Training Held at Legal Aid Downtown Office**

On July 21, 2014, Legal Aid tester coordinators held a training for those interested in becoming volunteer testers. Volunteer testers must complete one training session and a practice test before they become testers for the Fair Housing Enforcement Program.

### **Upcoming Tester Training Session**

The next Tester Training for Oahu will be on Wednesday, August 27th from 5:30 p.m. - 7:30 p.m. in Honolulu. For

registration information, please call the Investigation Coordinators at (808) 527-8017 or (808) 527-8078 or complete the pre-screening questionnaire at our [website](#).

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Please forward this email to other interested parties

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