



**Established 1960**

*Consulting*

*Database Marketing*

*Economic & Social Impact  
Studies*

*Research*

*Training*

**SMS**

1042 Fort Street Mall  
Suite 200  
Honolulu, HI 96813  
Ph: (808) 537-3356  
Toll Free (877) 535-5767  
Fax: (808) 537-2686  
E-mail: [info@smshawaii.com](mailto:info@smshawaii.com)  
Website: [www.smshawaii.com](http://www.smshawaii.com)

***Beyond Information. Intelligence.***

**FAIR HOUSING ANALYSIS OF IMPEDIMENTS  
REPORT FOR THE STATE OF HAWAI'I, 2010**

**Prepared for the Hawai'i Public Housing Authority and  
Hawai'i Housing Finance and Development Corporation**

***SMS Affiliations and Associations:***

---

Experian  
International Survey Research  
Interviewing Service of America  
PCR Environmental, Inc. - Guam  
Solutions Pacific, LLC  
Ka'ala Souza Training  
3i Marketing & Communications

---

***Prepared by SMS Research & Marketing Services, Inc.  
September, 2010***

**Celebrating 50 years of Service**



Established 1960

Consulting

Database Marketing

Economic & Social Impact  
Studies

Research

Training

**SMS**

1042 Fort Street Mall  
Suite 200  
Honolulu, HI 96813  
Ph: (808) 537-3356  
Toll Free (877) 535-5767  
Fax: (808) 537-2686  
E-mail: [info@smshawaii.com](mailto:info@smshawaii.com)  
Website: [www.smshawaii.com](http://www.smshawaii.com)

**Beyond Information. Intelligence.**

September 30, 2010

Mr. Steven K. Chang  
Hawai'i Public Housing Authority  
P.O. Box 17097  
Honolulu, Hawai'i 96817

Dear Mr. Chang:

We are pleased to present this report on the State of Hawai'i Analysis of Impediments to Fair Housing 2010. The study is an exhaustive one. It covers all of the required areas of investigation and is centered on the reliable testimony of housing experts across the State.

The 2010 findings were mixed. Experts are still reporting certain types of housing discrimination and public awareness of Fair Housing Law has not changed much in six years. Complaints filed with HUD and the Hawai'i Civil Rights Commission suggest some changes in the basis for complaints and steady progress has been made toward successful resolution of cases. On the other hand, the decreasing emphasis on discrimination was accompanied by increased attention on structural impediments to fair housing.

In addition to documenting impediments to Fair Housing in the State of Hawai'i, this report also summarizes the Hawai'i Public Housing Authority's and Hawai'i Housing Finance and Development Corporation's plans for significantly reducing impediments to fair housing in the next five years.

We look forward to working with you in the future.

Sincerely,

James E. Dannemiller  
President

**SMS Affiliations and Associations:**

Experian  
International Survey Research  
Interviewing Service of America  
PCR Environmental, Inc. - Guam  
Solutions Pacific, LLC  
Ka'ala Souza Training  
3i Marketing & Communications

Celebrating 50 years of Service

# CONTENTS

<b>I. INTRODUCTION .....</b>	<b>1</b>
BACKGROUND.....	1
METHOD.....	2
<b>II. THE FAIR HOUSING ENVIRONMENT IN HAWAI'I .....</b>	<b>4</b>
POPULATION PROFILE.....	4
HAWAI'I'S HOUSING MARKET .....	8
<b>III. FAIR HOUSING COMPLAINTS .....</b>	<b>12</b>
COMPLAINTS AND CASES ON RECORD AT HUD.....	12
COMPLAINTS AND CASES ON FILE AT HCRC .....	16
GEOGRAPHIC DISTRIBUTION OF CASES .....	18
LASH FAIR HOUSING TESTING .....	18
<b>IV. PUBLIC AWARENESS SURVEY .....</b>	<b>21</b>
SURVEY SCENARIOS .....	21
DISCRIMINATION.....	25
REACTION TO DISCRIMINATION .....	26
REACTION TO FAIR HOUSING LEGISLATION .....	27
ADVERTISING AWARENESS .....	27
<b>V. AGENCY INTERVIEWS.....</b>	<b>29</b>
MAJOR THEMES.....	30
FAIR HOUSING DISCRIMINATION IDENTIFIED.....	31
FAIR HOUSING IMPEDIMENTS IDENTIFIED.....	33
RECOMMENDATIONS FOR IMPROVEMENT .....	35
<b>VI. DEVELOPING THE ACTION PLAN .....</b>	<b>36</b>
FOUNDATIONS .....	36
REASONABLE ACTION PLAN ELEMENTS.....	36
<b>VII. STATE OF HAWAI'I ACTION PLAN: 2010-2015.....</b>	<b>37</b>
IMPEDIMENT ONE: DIFFICULTY UNDERSTANDING FAIR HOUSING LAWS, RIGHTS AND RESOURCES .....	37

IMPEDIMENT TWO: STRUCTURAL IMPEDIMENTS TO FAIR HOUSING .....	38
IMPEDIMENT THREE: LIMITED SUPPLY OF REASONABLE UNITS FOR TARGET POPULATION .....	38
ACTION PLAN .....	39
<b>VIII. REFERENCES.....</b>	<b>41</b>
<b>IX. APPENDIX.....</b>	<b>43</b>
APPENDIX A: KEY INFORMANT INTERVIEW PROTOCOL .....	43
APPENDIX B: GLOSSARY OF TERMS .....	45
APPENDIX C: PUBLIC AWARENESS SURVEY .....	46
APPENDIX D: DEMOGRAPHIC AND HOUSING MARKET MAPS .....	51
APPENDIX E: HAWAI'I CIVIL RIGHTS COMMISSION CASELOAD, 1999-2010 .....	55
APPENDIX F: HUD COMPLAINT CASELOAD, 2000-2010 YTD .....	56

## LIST OF FIGURES

Figure 1. Total Population, State of Hawai'i 1900-2008.....	4
Figure 2. State of Hawai'i Population Density.....	5
Figure 3. Median Household Income, State of Hawai'i 1984-2008.....	6
Figure 4. Median Household Income.....	6
Figure 5. Residents Receiving Public Assistance.....	7
Figure 6. Statewide Density of Linguistic Isolation.....	7
Figure 7. Total Housing Units, State of Hawai'i 1960-2008.....	9
Figure 8. Average Sales Price, Single-Family Homes, Hawai'i 1980-2009.....	9
Figure 9. Housing Affordability in Hawai'i 1996-2009.....	10
Figure 10. Concentration of Owner Occupied Units.....	11
Figure 11. Median Gross Monthly Rental Rates.....	11
Figure 12. Volume of Housing Complaints, HUD, 2000-2010 YTD.....	13
Figure 13. Reasons for Housing Complaints Filed, HUD, 2000-2010 YTD.....	14
Figure 14. Disposition of Housing Complaints filed, HUD, 2000-2010 YTD.....	15
Figure 15. Volume of Housing Complaints, Hawai'i Civil Rights Commission.....	17
Figure 16. Fair Housing Law Awareness, Survey Scenarios.....	22
Figure 17. Housing Discrimination Frequency, 2003 and in Follow-up Surveys.....	25
Figure 18. Reaction to Perceived Housing Discrimination, Hawai'i, 2003 and 2009.....	26
Figure 19. Voting.....	27
Figure 20. Exposure to Fair Housing Advertisements.....	28
Figure 21. HPHA Fair Housing Action Plan, 2010-2015.....	39
Figure 22. HHFDC Fair Housing Action Plan, 2010-2015.....	40

## LIST OF TABLES

Table 1. Basis for Complaints By County, HUD 2000 through 2010 YTD.....	15
Table 2. Basis for Complaints, HCRC, 1999-2009.....	17
Table 3. Distribution of Cases by County: Calendar years 2006-2009.....	18
Table 4: LASH Fair Housing Enforcement Program Testing, 2009 and 2010.....	19
Table 5: LASH Basis for Complaints, 2009.....	20
Table 6. Fair Housing Law Awareness, Hawai'i, 2003 and 2009.....	23
Table 7. Basis of Housing Complaints by Year, HUD, 2000-2010.....	58
Table 8. Detailed Disposition of Housing Cases By Year, HUD, 2000-2010.....	58

# I. INTRODUCTION

## Background

The U.S. Department of Housing and Urban Development (HUD) requires states and entitlement communities receiving federal funding from the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME), and Emergency Shelter Grant (ESG) programs to certify that they are actively working to Affirmatively Further Fair Housing (AFFH). The State of Hawai'i and each of its four counties receive funds under one or more of those programs and actively work toward furthering fair housing in their communities.

To certify that a state or community is AFFH, HUD requires that they (a) conduct an Analysis of Impediments to Fair Housing; (b) identify and implement activities aimed at overcoming the identified impediments, and (c) develop a system by which the activities undertaken to overcome the identified impediments may be monitored and documented.

The Analysis of Impediments (AI) identifies existing barriers to fair housing and outlines a process for addressing those issues. It consists of four basic components:

1. An overview of the demographic and housing market conditions in the area with particular attention devoted to the relevance of these topics to housing choice;
2. A profile of fair housing in the area, including current laws, policies and practices, as well as any fair housing complaints filed;
3. An overview of any market and public policy impediments to fair housing, and
4. A summary of actions, planned or recently undertaken, designed to eliminate identified impediments.

In 2003, Housing Officers at the State and the four County housing offices<sup>1</sup> decided to combine resources to conduct their required AI Studies. The 2003 AI studies for the five housing offices were coordinated and results were used to develop individual Fair Housing sections for the Consolidated Plans in each area. The 2003 AI also set a benchmark for further studies in each area.

In 2007, the follow-up AI studies were conducted in the City and County of Honolulu and the County of Hawai'i. The County of Maui and County of Kaua'i AI follow-up studies were conducted in 2009. This report presents the results of the State of Hawai'i Analysis of Impediments 2010. To some extent the State AI includes the results of AI studies conducted at each of the counties. Because the State Housing Consolidated Plan concentrates on a separate set of Fair Housing objectives, much of this study was carried out across all counties and results will focus on specific statewide issues in Fair Housing.

---

<sup>1</sup> Hawai'i Public Housing Authority (HPHA); County of Kaua'i Housing Agency; County of Hawai'i Office of Housing and Community Development; County of Maui Department of Housing and Human Concerns; City and County of Honolulu Department of Community Services: Fair Housing Office

## Method

In 2010, the Hawai'i Public Housing Authority (HPHA) contracted with SMS Research to prepare and conduct an Analysis of Impediments to Fair Housing (AI) for the State. The AI was intended to identify impediments and recommend actions to remove them. The objectives of the study were to:

- Prepare a fair housing analysis of impediments for the State of Hawai'i;
- Identify any impediments to housing choice;
- Develop a plan to remove impediments identified in the analysis;
- Develop an action plan for the future, and
- Provide the necessary support methodology and records reflecting the analysis and actions.

Specific data collection and analysis procedures applied to this study are described below.

### Housing Agency Interviews

The central data collection activity was a set of executive interviews with key informants who know and understand the housing access situation in the State. The list of key informants for the project included housing agencies, housing advocacy groups, bankers and property managers, and other agencies in the State of Hawai'i, including some agencies that operate in individual counties only. The inquiry was designed to identify impediments, measure incidence of impediments, and discuss the root sources of the impediments. SMS designed and conducted a set of person-to-person interviews with target agency personnel. A broad range of persons and agencies on all islands were contacted in order to cover all sources of information about impediments to housing choice.

SMS developed an open-ended, semi-structured interview protocol to guide these interviews. The subjects were asked to self-identify housing choice impediments and to make any recommendations concerning overcoming those impediments. A copy of the protocol is attached as Appendix A to this report.

### Secondary Data

AI guidelines require collection of a substantial amount of secondary population and housing data at the State level. SMS first collected and assembled those data in 2003 and developed the data list as the foundation for a long-range fair housing data system. Secondary data collection included, but was not limited to, the following types of data:

- |                                                                                                                                |  |                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>➤ Demographic data</li><li>➤ Income data</li><li>➤ Fair Housing complaint data</li></ul> |  | <ul style="list-style-type: none"><li>➤ Fair Housing testing data</li><li>➤ Housing market data</li></ul> |
|--------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------|

In 2010, data were again compiled on: (a) Hawai'i's population, economy, and housing supply, relying on the U.S. Census Data, the American Community Survey 2003 to 2008, State and County data on housing and public housing; (b) laws, policies, procedures, and regulations shaping fair housing policy and practice in Hawai'i taken from public documents; (c) Data compiled on complaints filed for violations of fair housing laws; (d) efforts by key agencies to assess and reduce impediments to Fair Housing (especially training and education efforts), and (e) accounts of housing access and availability problems by advocacy organizations.

## **Public Awareness Survey**

Identifying impediments to housing choice as reported by housing agencies and advocates is central to the AI analysis. However, their views may not correspond exactly to the public views on the most pressing needs in this area. Understanding the public's awareness of the issues and how they get their information on housing law is essential to effective ameliorative action.

SMS conducted surveys of Hawai'i residents in 2003, 2007, and 2009. Each survey was a 12-minute telephone survey (Appendix C) conducted among a probability sample of Hawai'i households during the later part of the year. The content of the survey was based on the User Survey<sup>2</sup> initially developed by the U.S. HUD's Office of Policy Development and Research (PD&R). The User Survey was designed to measure public awareness of fair housing laws. For the current study, modifications were made to the PD&R survey to include demographic information, indications of involvement in the housing market, any experience of discrimination in housing, and details of that experience.

The sample size for all surveys was 400 completed interviews with adult residents of Hawai'i. This limited the State level sampling error to plus-or-minus 4.88 percentage points at the 95 percent confidence level.

## **Monitoring Data**

The gathering and analysis of monitoring data (data on law suits filed, filing and handling of formal complaints of discrimination, and results of discrimination testing), has been an increasingly important component of Hawai'i AI studies since 2003. In 2003, there was very little data on any of these topics available, and what was found was not well suited to quantitative analysis or comparison across time or counties. With time, the amount of data available has increased substantially, and the ability to extract hard data for analysis has improved. In 2010, we were able to gather data on: (a) basis of complaints regarding Fair Housing in Hawai'i collected by the U.S. Department of Housing and Urban Development (HUD); (b) complaints filed and processed by the Hawai'i Civil Rights Commission (HCRC), and (c) data on Fair Housing testing conducted by the Legal Aide Society of Hawai'i (LASH). These data have increasingly become an important part of Hawai'i AI studies, especially to the extent that data are available retroactively from some sources.

---

<sup>2</sup> U.S. Department of Housing and Urban Development, Office of Policy Development and Research. How Much Do We Know?; Public Awareness of the Nation's Fair Housing Laws, April 2002. See also HUD's website at [www.huduser.org](http://www.huduser.org).

## II. THE FAIR HOUSING ENVIRONMENT IN HAWAI'I

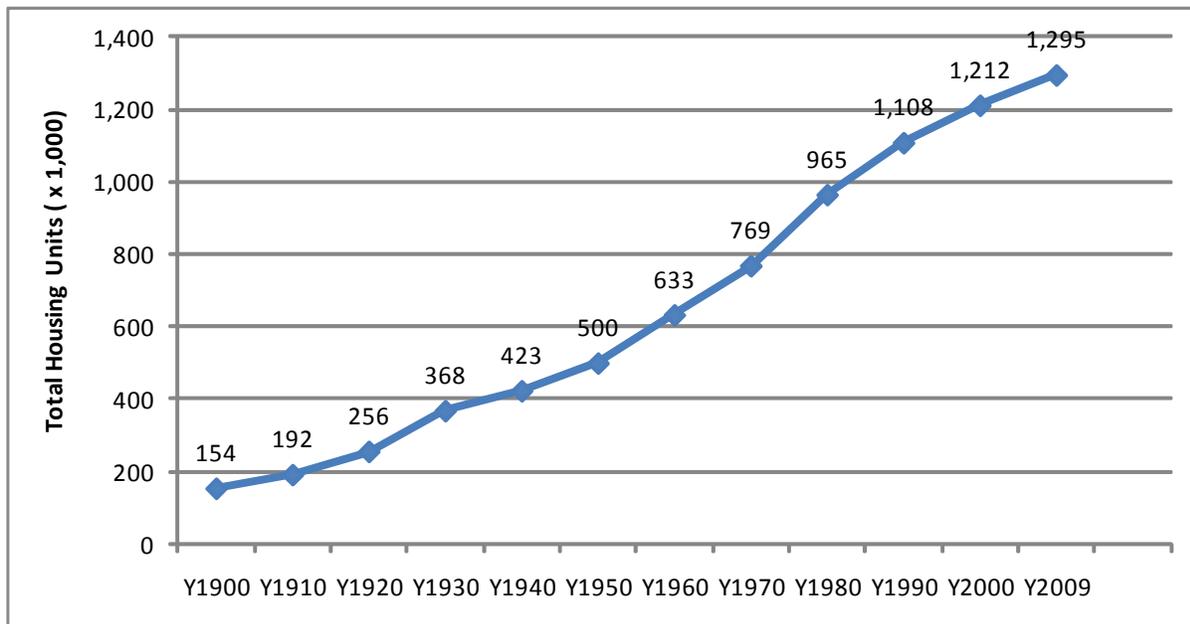
### Population Profile

A comprehensive evaluation of the impediments to fair housing in any area necessarily involves a review of the demographic characteristics of that location. The demographic elements of the State of Hawai'i represent the environment in which impediments to fair housing choice exist, and in which they must be overcome.

Based upon the U.S. Census data collected in 2009 (Figure 1), 1.3 million people reside in the State of Hawai'i. The population is not evenly dispersed among the four counties in Hawai'i, but concentrated in a few distinct areas (Figure 2). A majority of the State's residents, approximately 70 percent, live on O'ahu. Nearly 14 percent of Hawai'i residents (13.7%) live on the Island of Hawai'i, and 11.2 percent reside on Maui. The remaining five percent of the State's population live on Kaua'i. This pattern of population dispersion has remained fairly consistent throughout the last decade.

Recently statewide population growth has slowed dramatically. Hawai'i had a large influx of new residents between 1960 and 1980, recording a 22 percent increase in population from 1960 to 1970 and 25 percent during the following decade. Population growth slowed to 15 percent between 1980 and 1990 and reached only nine percent in the years leading to the millennium. Since 2000 Hawai'i's population has increased by less than six percent.

**Figure 1. Total Population, State of Hawai'i 1900-2008**

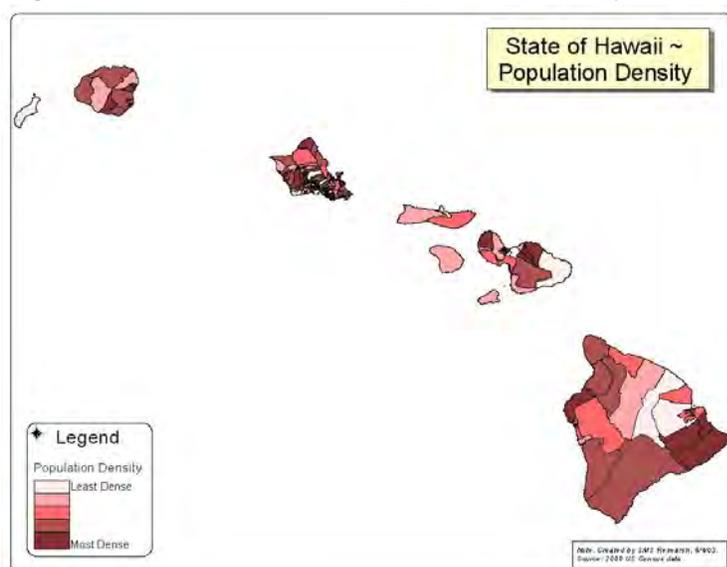


Source. U.S. Census Bureau Decennial Census

In general, as population growth slows, the pressure on the local housing market decreases to some extent. Pent up demand, measured by crowding and doubling up, has certainly

decreased in Hawai'i over the last three decades. Demand is affected by a number of factors; however, and the housing market history of Hawai'i has been notably more volatile than Figure 1 might suggest.

**Figure 2. State of Hawai'i Population Density<sup>3</sup>**



Population growth and housing distributions differ from one county to another in Hawai'i. In 2009 there were about 1.3 million people in Hawai'i living in about 445,000 households<sup>4</sup>. The distribution across the State is shown in Figure 2. Darker shading indicates higher density. Areas of greatest density are urban rather than rural, and densities are generally higher on O'ahu than on any of the other islands.

The average household size in the United States is 2.62 persons. In Hawai'i the average is about 2.9 persons per occupied housing unit<sup>5</sup>.

Crowding rates are somewhat higher than in other states. It is certainly true that Hawai'i's Polynesian and Asian cultures are known to have a preference for extended family living. Past Housing Policy Studies have, however, demonstrated that most of our crowding and doubling up has economic rather than cultural causes.

In examining the composition of Hawai'i's households, about 86 percent of household members live in a family setting. Of the remaining 14 percent, 19 percent live in group quarters while the rest live in other non-family settings.

## Income

In 2008, the median household income<sup>6</sup> for the State of Hawai'i was \$67,214. The median income for family households was higher at \$78,659 and the median for married couple family households was \$87,372.

Despite the global economic recession that began in the first quarter of 2008, the median household income has increased by 35 percent since 2000. Figure 3 below tracks the increase in median household income during the past 25 years.

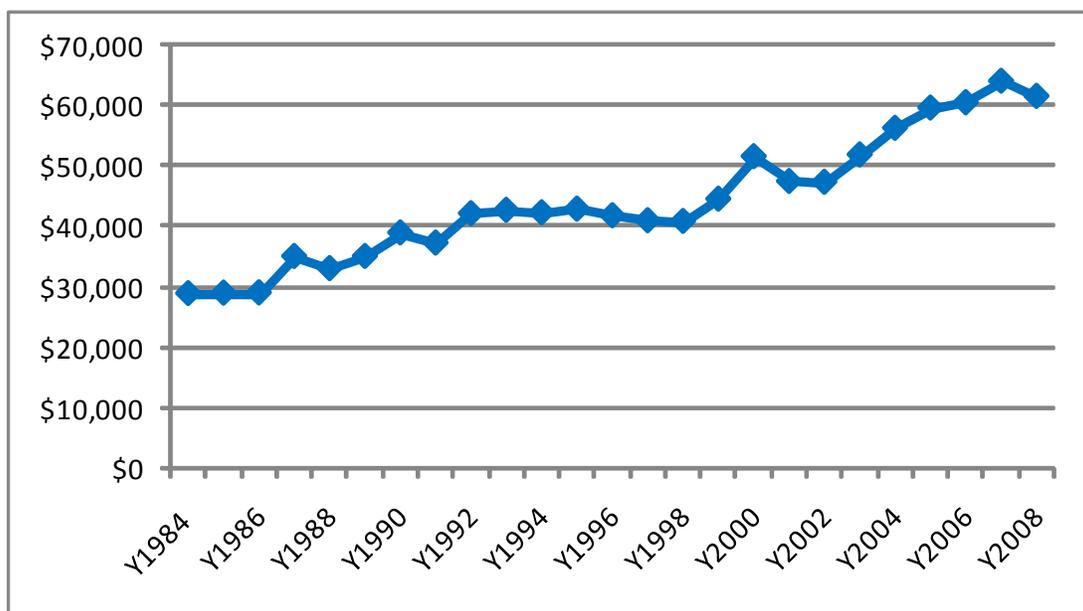
<sup>3</sup> For larger scale maps, see Appendix D.

<sup>4</sup> According to the U.S. Census Bureau, a household is defined as a dwelling with two or more residents.

<sup>5</sup> Average household sizes for Hawai'i's counties in 2008: Honolulu=2.90, Hawai'i=2.74, Maui=2.86, Kauai=2.8.

<sup>6</sup> In 2008 inflation adjusted dollars.

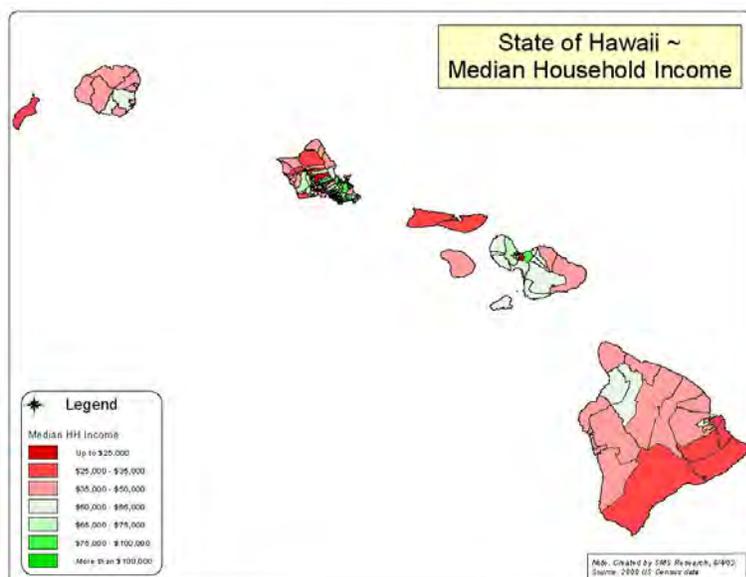
**Figure 3. Median Household Income, State of Hawai'i 1984-2008**



Source. U.S. Census Bureau

Although the current State median is 23 percent higher than the national median income, poverty remains a large impediment for many Hawai'i households. In 2008, the annual household income for ten percent of households statewide was at or below poverty level.

**Figure 4. Median Household Income**



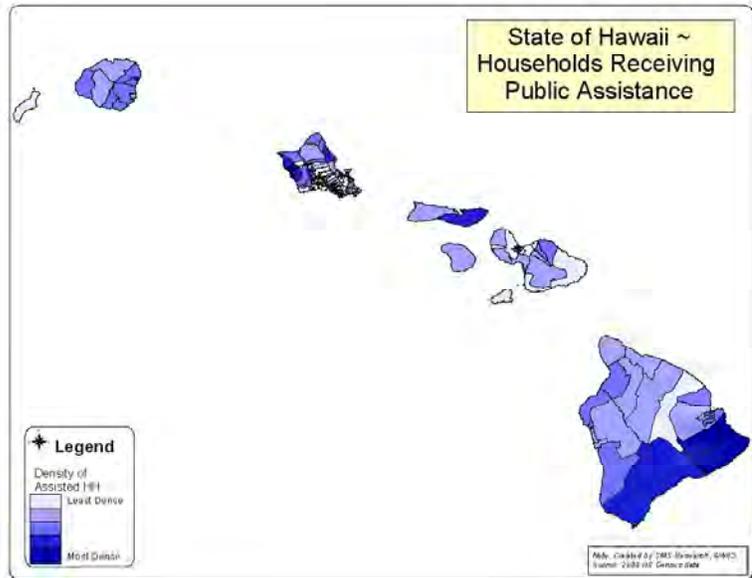
Just as the population differs across the State and counties, the economic profile of each county leads to differences in household income. The City and County of Honolulu is the site of nearly three-quarters of the economic activity in the State. It has the State's highest median household income (\$70,951). The 2008 American Community Survey estimates the median household income for the counties of Maui, Kauai, and Hawai'i to be \$67,619, \$60,738, and \$54,044, respectively.

Median household incomes also vary according to racial and ethnic background. The median household income was highest among Black or African American households, who had a median annual income of \$72,506. Other races with high median household incomes in 2008 included White (\$69,763), Asian (\$67,170), and Mixed Race (\$66,411) households.

**Figure 5. Residents Receiving Public Assistance**

### Public Assistance Income

A strong relationship exists between household income levels and available housing options. As a component of income, public assistance in the form of housing subsidies and welfare can affect housing options. According to the 2008 American Community Survey, the State of Hawai'i had a total of 13,519 households receiving public assistance that year. That is less than half the number of households receiving public assistance income in 2003.



While it is tempting to assume this dramatic decrease is an indication that Hawai'i's residents are more financially secure now than in 2003, it is important to note that public assistance income is largely a function of the political climate rather than the State's financial well being. Elements such as a shift in political viewpoints or the ongoing global economic recession often limit the availability of public assistance funds, but don't actually reflect the needs of the population.

The majority (63%) of households receiving public assistance are located on O'ahu, followed by the County of Hawai'i (22%), the County of Maui (9%), and the County of Kaua'i (5%). Overall, the number of Hawai'i households receiving public assistance comprised just three percent of all households, down from seven percent in 2003.

### Linguistic Isolation

Households that use a non-English language as their primary means of communication, and have no members who are skilled in the English language are defined by the U.S. Census Bureau to be "linguistically isolated." Census documents note that the primary languages used in linguistically isolated households are Asian languages – Japanese, Korean, and Filipino dialects. Fully 93 percent of our linguistically isolated households speak an Asian language. Asian language households are distantly followed by Spanish-speaking households (5%), and the remaining three percent of linguistically isolated households speak Indo-European and other languages.

**Figure 6. Statewide Density of Linguistic Isolation**

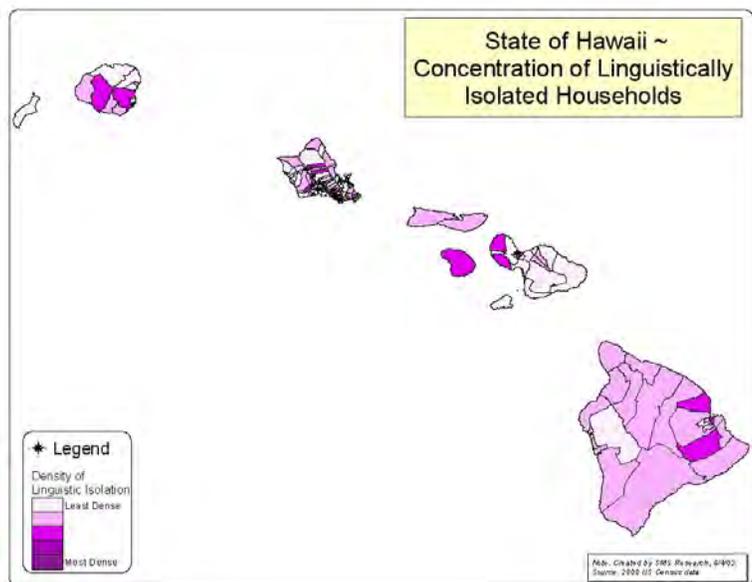


Figure 6 describes the concentration of linguistically isolated households in the State of Hawai'i. Areas highlighted in dark purple represent those areas with higher overall concentrations of linguistically isolated households, while areas shaded in light purple indicate lower concentrations. The number of linguistically isolated households in the State of Hawai'i represents six percent of the total number of households, which is slightly lower than in 2003.

## **Disability Status**

In 2008, slightly more than 10 percent of Hawai'i's population was classified as having some type of disability. Disability status was distributed relatively evenly across the state and our disability rate was lower than the national average. Nationwide, more than 12 percent of Americans have a disability.

In Hawai'i, impaired mobility is the most common disability type, accounting for nearly 60 percent of reported disabilities. Disability is highly related to age with older persons being more likely to have disabilities, especially those affecting mobility.

Disabled persons are a protected class under the Fair Housing Law and local and national statistics suggest that discrimination against disabled persons is one of the more frequently reported claims under the law. With no change in disability status over the years, we might expect a slight decrease in cases filed for discrimination based on disability since 2003.

## **Hawai'i's Housing Market**

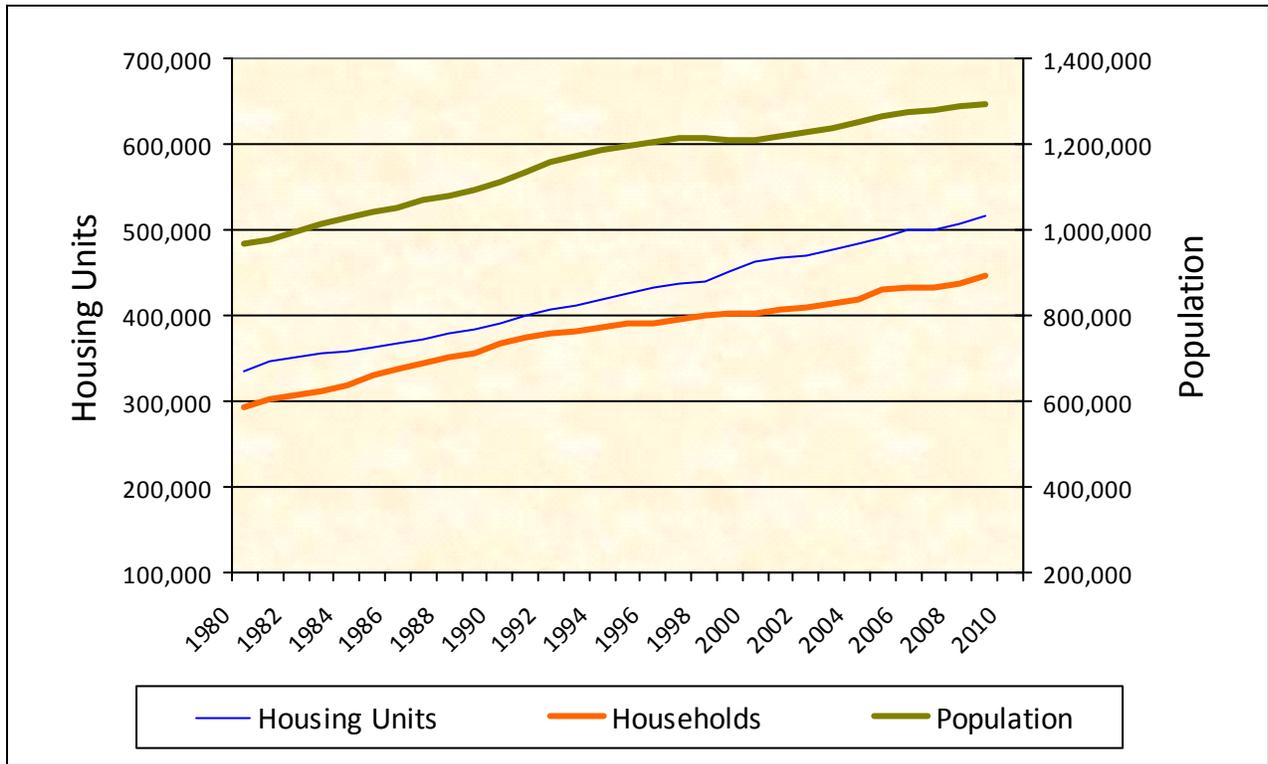
The total number of housing units in Hawai'i in 1980 was 334,235. Total housing stock grew by 15 percent during the eighties, 17 percent during the nineties, and 14 percent in the last decade. In 2009 Hawai'i had 512,625 housing units according to the ACS. While the number of housing units has clearly been increasing rapidly over the past 30 years, that growth must be compared with the population growth and the growth in the number of households to fully understand the housing market.

Figure 7 shows the number of housing units, households, and persons in Hawai'i between 1980 and 2009. Clearly the pattern of growth for households (occupied housing units)<sup>7</sup> is similar to the population growth pattern. That similarity might lead one to assume that Hawai'i's housing market grew steadily over the last three decades. Both the population and the number of housing units used to house that population grew quickly in the eighties, slower in the nineties, and fast again between 2000 and 2009.

---

<sup>7</sup> The Census and ACS define a household as an occupied housing unit.

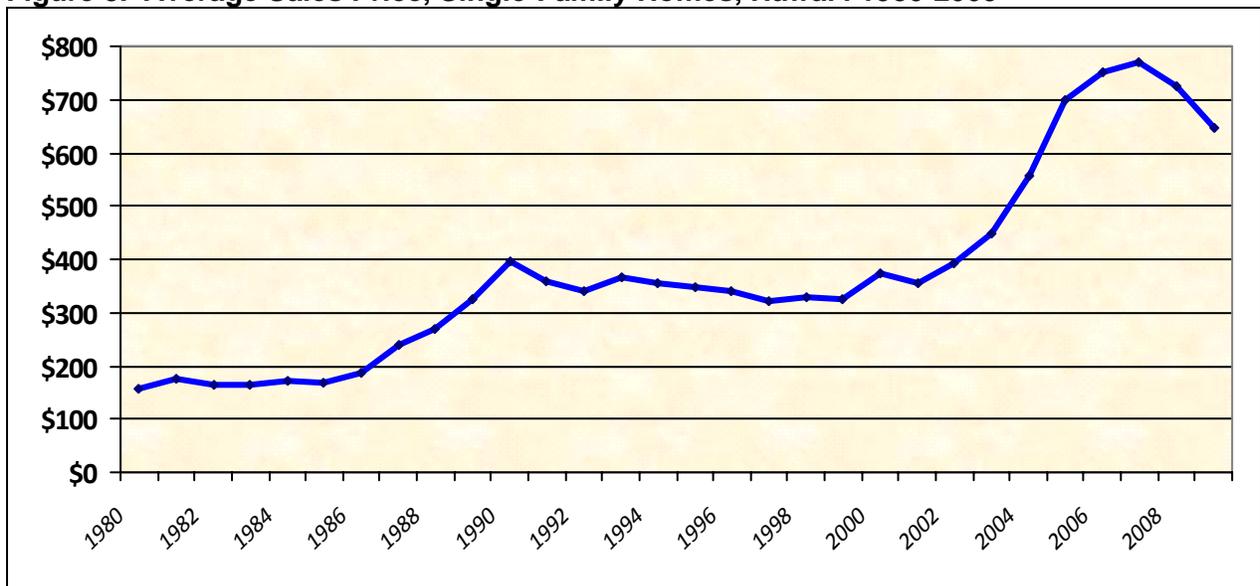
**Figure 7. Total Housing Units, State of Hawai'i 1960-2008**



Source. U.S. Census Bureau Decennial Census; 2008 American Community Survey

The steady growth of population and housing stock belies the volatile nature of Hawai'i's housing market. Figure 8 shows the price of housing in Hawai'i over the past three decades. It shows two major housing price run-ups during which the price of housing more than doubled.

**Figure 8. Average Sales Price, Single-Family Homes, Hawai'i 1980-2009**

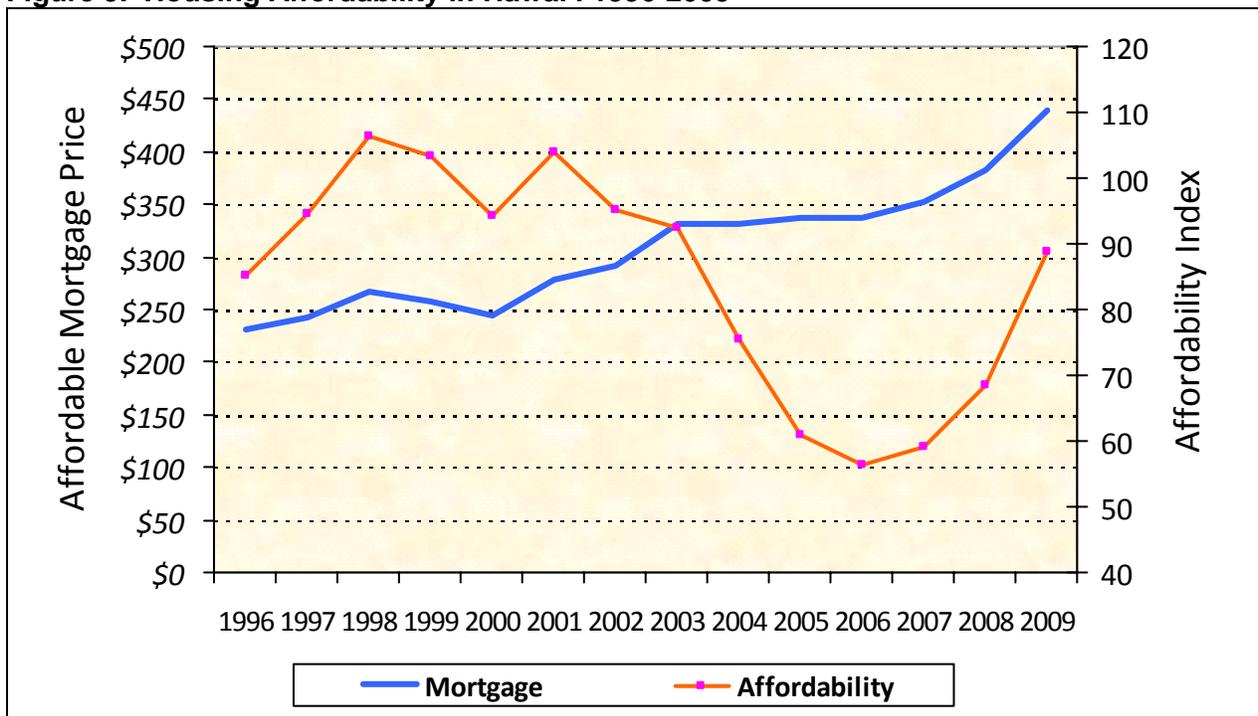


Source, DBEDT, State Data Books. Sales price in thousands of current dollars.

Between run ups, prices drop sharply for several months and then stagnate for several years. As with most long-range cyclical growth patterns the cycles become more dramatic over time. In the last run up, the average price of a single-family home in Hawai'i rose to well over \$700,000 by 2006. Real estate sales began to drop by the end of 2006. Prices held or even rose through 2008 and then began to drop.

During the market calm between the price run ups, sales have dropped dramatically at first. That is because prices have run so far ahead of the ability of the average buyer to obtain a mortgage loan. As prices drift downward and household incomes and savings drift upward the houses become more affordable and sales begin the increase. The process is illustrated in Figure 9, using figures produced by the University of Hawai'i.

**Figure 9. Housing Affordability in Hawai'i 1996-2009**



Source: University of Hawai'i Economic Research Office (UHRO), Data. Mortgage price is in thousands of current U.S. dollars. The index value centers on 100.

The left-hand scale measures the average affordable mortgage price<sup>8</sup> annually. That is, given current banking practices, interest rates, and the household incomes, what is the highest mortgage price for which an average family would be qualified. The affordable mortgage price went up substantially between 2000 and 2003; a period of economic growth, then leveled off during the major part of the run up. Recently it has begun to rise again.

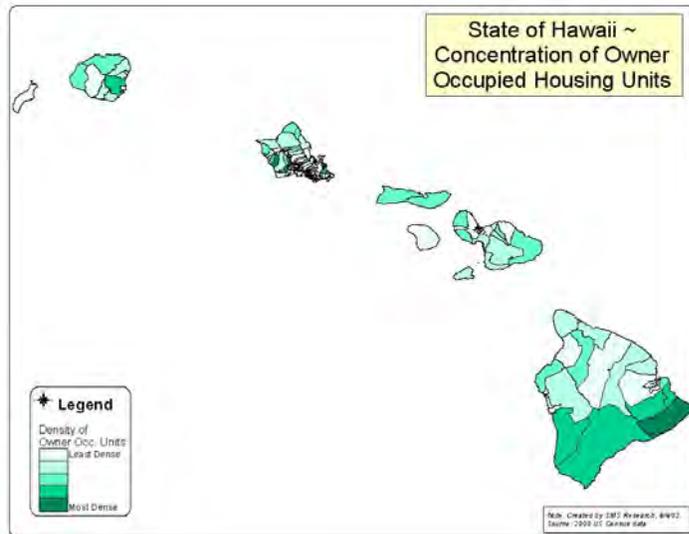
The affordability index produced by UHERO is the ratio of median family income to qualifying income for a median-priced home. It measures housing affordability for the particular market

<sup>8</sup> The price that a median income family can afford under the assumption that it pays no more than 30 percent of its income on the monthly payment for a conventional loan: 20 percent down payment and a 30-year term at the existing mortgage rate.

circumstances across time. Figure 9 shows the interesting behavior of the index in the period around the last price run up. After a major drop the index was returning to normal by the end of 2009.

## Tenancy

**Figure 10. Concentration of Owner Occupied Units**



The homeownership rate in Hawai'i was about 59 percent in 2008. It was much lower in the eighties, but grew by almost six percentage points during the nineties. After the price run-up of the late eighties, the period of low sales and falling prices went on long enough for local incomes and savings to rise. Housing became more affordable for many Hawai'i families and they were able to buy their own homes. Figure 10 shows the distribution of owner occupied housing units across the State. The highest concentrations of owner occupied units are shown in darker colors. Lighter areas have larger concentration of non-owners,

both renter and persons who occupy their units without payment of cash rent.

## Median Gross Rent

Data on rental rates in Hawai'i is less detailed than homeowner data. ACS data suggest that rents increased in the same general pattern as real estate sales prices. Median gross rent rose by about 20 percent between 1990 and 2000. Between 2000 and 2009, the median gross rent rose by nearly 65 percent, from \$779 in 2000, to \$1,293 in 2009. Rents rose slowly until 2004, then rapidly through 2006. Since that time they have generally drifted upward between three and eight percent per year.

**Figure 11. Median Gross Monthly Rental Rates**

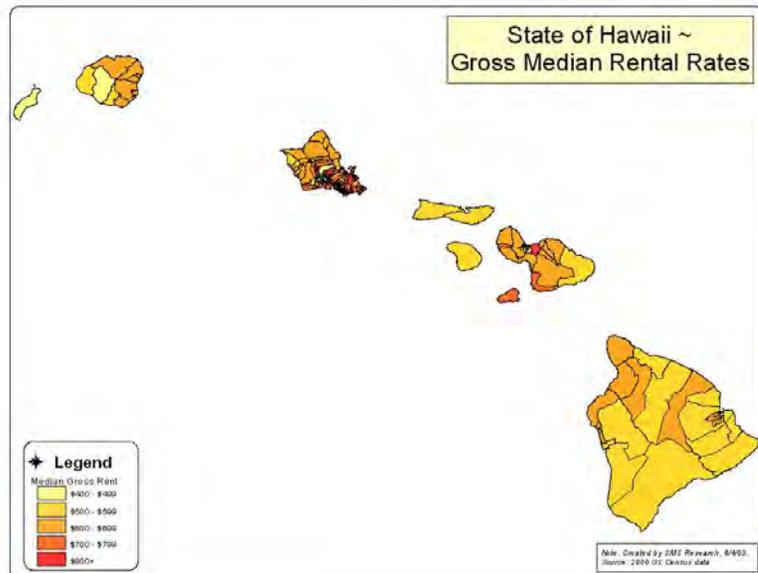


Figure 11 shows the distribution of gross rents across the State. In 2008 median gross monthly rental rates ranged from \$1,050 to over \$1,350. The statewide median rent was \$1,235. Rents were highest in certain areas of O'ahu and Maui, and median rent amounts are lowest on the islands of Moloka'i and Lāna'i in Maui County.

### III. FAIR HOUSING COMPLAINTS

The State of Hawai'i's fair housing laws are found primarily in the Hawai'i Revised Statutes (HRS) Chapter 515, Discrimination in Real Property Transactions (20 sections). Two other laws, HRS Chapter 368, which establishes the Hawai'i Civil Rights Commission, and HRS 489, Discrimination in Public Accommodations, round out the basic scope of the regulations. Details are provided in Hawai'i Administrative Rules (Title 12, Chapter 46), which describes the specifications for filing complaints, declaratory relief, and the full range of protected classes.

The Fair Housing Law prohibits discriminatory housing practices based on race, sex, color, religion, marital status, familial status, ancestry, disability, age, or HIV infection. The complaints procedure is designed to facilitate bringing action against alleged violators of the Fair Housing Law. Records of those complaints provide a valuable source of information on the State's progress toward eliminating impediments to Fair Housing.

In Hawai'i, complaints against alleged Fair Housing Law violators can be brought in several ways. Complaints can be filed with HUD, with HCRC, at County Housing Offices, or directly in the Courts. When state law is substantially equivalent to federal law, state agencies can enter into work share agreements with HUD. In Hawai'i the HCRC has such an agreement. As a result, HUD refers most of its complaints to the HCRC for investigation. It is useful to look at cases filed at both of these two agencies.

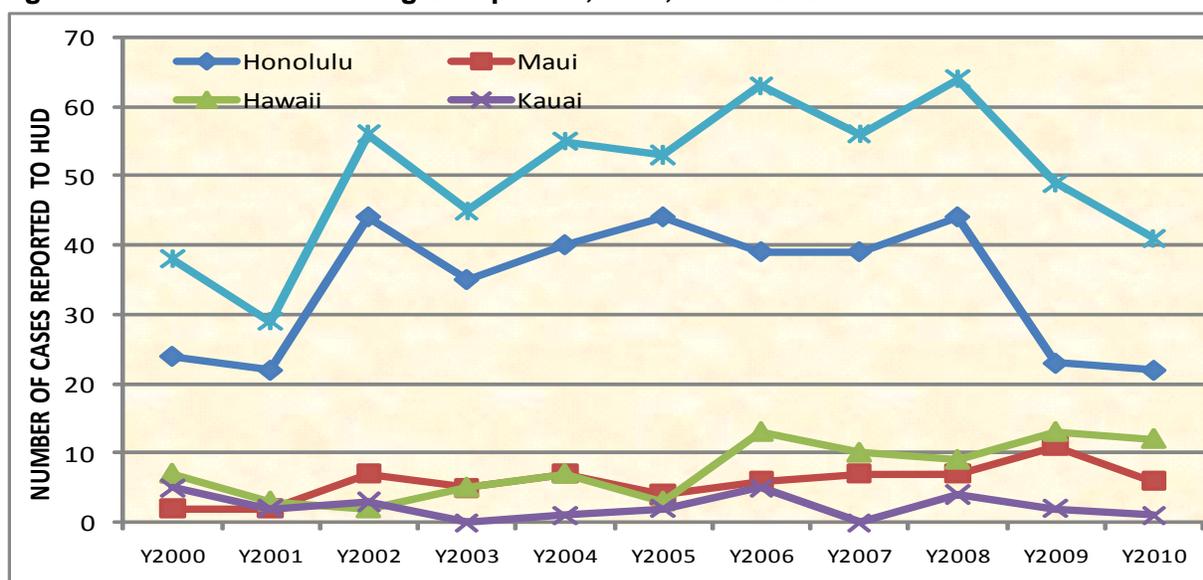
#### Complaints and Cases on Record at HUD

When a U.S. resident believes they have experienced housing discrimination based on race, color, national origin, religion, sex, familial status, or disability, they may file a complaint with HUD by filling out a form online, submitting a letter detailing the incident, or by calling a toll-free hotline. Once a complaint is filed a standardized process is followed until the matter is resolved. Records of all filings are maintained at HUD's Regional Office in San Francisco, California. The regional office provides complete records for all Fair Housing discrimination cases filed in Hawai'i since the year 2000. Those records contained information on the location (city, county, state) of the filing, the dates on which the cases were opened and closed, the basis for filing (reason for the complaint), and the final disposition of the case. The data presented in the following paragraphs were taken from those records. Note that many of the cases were filed for more than one reason, that is, had more than one basis for discrimination.

#### Trends in Fair Housing Discrimination Complaints at HUD

Figure 12 shows the trend in the number of housing discrimination complaints filed with HUD in the past 10 years. Since 2000 HUD has recorded an average of 49 housing discrimination complaints per year. The number of complaints filed varied from year to year of course. It doubled between 2001 and 2002, and then rose slowly from 2002 through 2008. The number of complaints filed dropped sharply after 2008. In 2010, the number of complaints will be lower than at any time since 2001.

**Figure 12. Volume of Housing Complaints, HUD, 2000-2010 YTD**



The general trend holds for all Counties over time. Overall, far more cases have been filed in the City and County of Honolulu than are filed in any other county, but the distribution of cases filed is nearly identical to the distribution of the State’s population: Honolulu (69 vs. 70), Hawai’i (15 vs. 14), Kaula’i (5.0 vs. 4.7), and Maui (11.6 vs. 11.2).

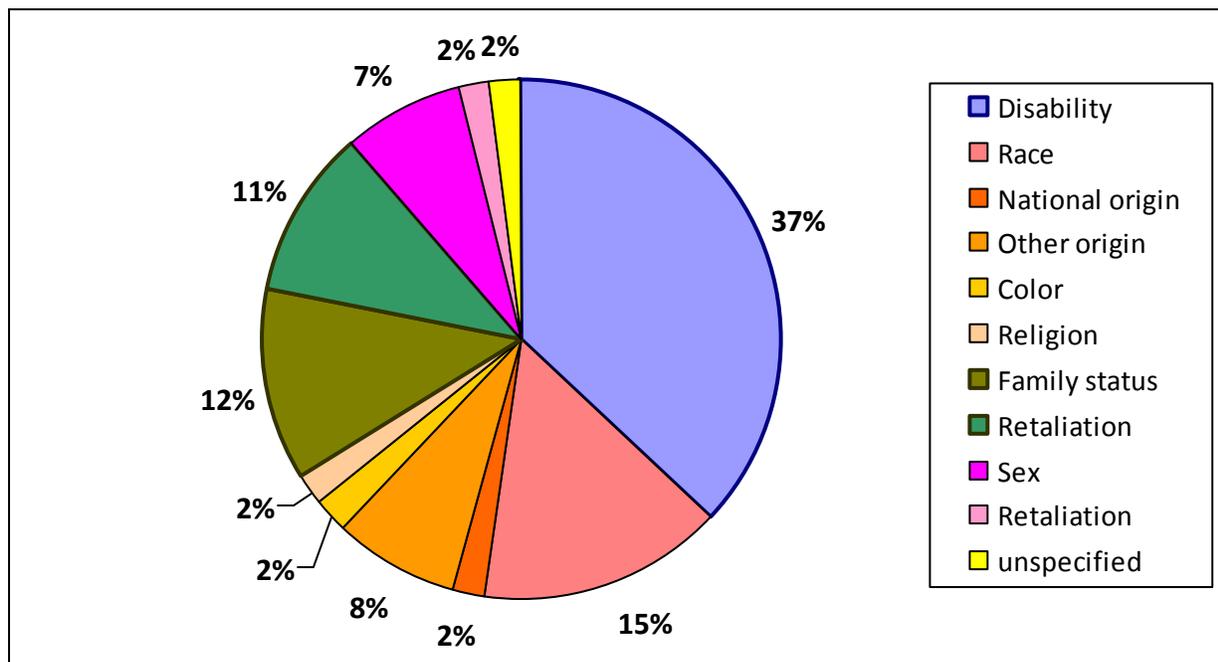
Between 2002 and 2008, the number of complaints averaged about 55 per year. Those years correspond roughly to a period of economic prosperity, and active housing market, and rising housing costs. That would be consistent with our informants’ contention that an active market provides greater opportunity for discrimination. Even after the market peaked in 2006, housing prices and rent remained high. With the onset of global recession at the end of 2008, the number of complaints dropped to its pre-2002 level of about 40 per year.

### Types of Fair Housing Complaints at HUD

The reasons for complaints filed, referred to as the basis of complaints, are shown in Figure 13. Between 2000 and August 2010, a total of 536 fair housing complaints were filed with HUD. Many cases were filed for more than one reason. The total number of reasons for the 537 complaints was 727 or about 1.4 reasons per case. Figure 13 shows the percentage of reasons for complaints.

HUD records show that the most frequent basis for complaints (37%) was disability or reasonable accommodations issues. Race, including race, national origin, other origin, color, and creed, accounted for about 29 percent of all bases for filing. That was followed by family status (12%), retaliation (11%), gender (7%), and sexual harassment (2%).

**Figure 13. Reasons for Housing Complaints Filed, HUD, 2000-2010 YTD**



For the most part the distribution of bases for complaints filed with HUD remained stable over time<sup>9</sup>. The percentage of cases brought for disability or reasonable accommodations remained most stable and with the exception of two years (2003 and 2005) it has been the leading basis for complaints. The percentage of complaints brought for race or religion tends to rise as the total number of complaints rises. Race-based complaints have dropped off notably since 2008. Complaints brought for retaliation, gender discrimination and sexual harassment vary less, but with the same general pattern as race-based complaints. Family status as a basis for complaints has been steadier, rising slightly from 2001 through 2009.

### Geography

Table 1 shows that the pattern of basis for complaints is very similar for three of Hawai'i's four counties. Although the total number of complaints differs, the percent of cases filed for each of the major bases for complaints is about the same for the City and County of Honolulu, Hawai'i, and Maui Counties. Complaints filed for the County of Kaua'i over the last ten years show a greater incidence of cases filed based on family status.

<sup>9</sup> For a detailed breakdown of complaints by basis and year, see Appendix F.

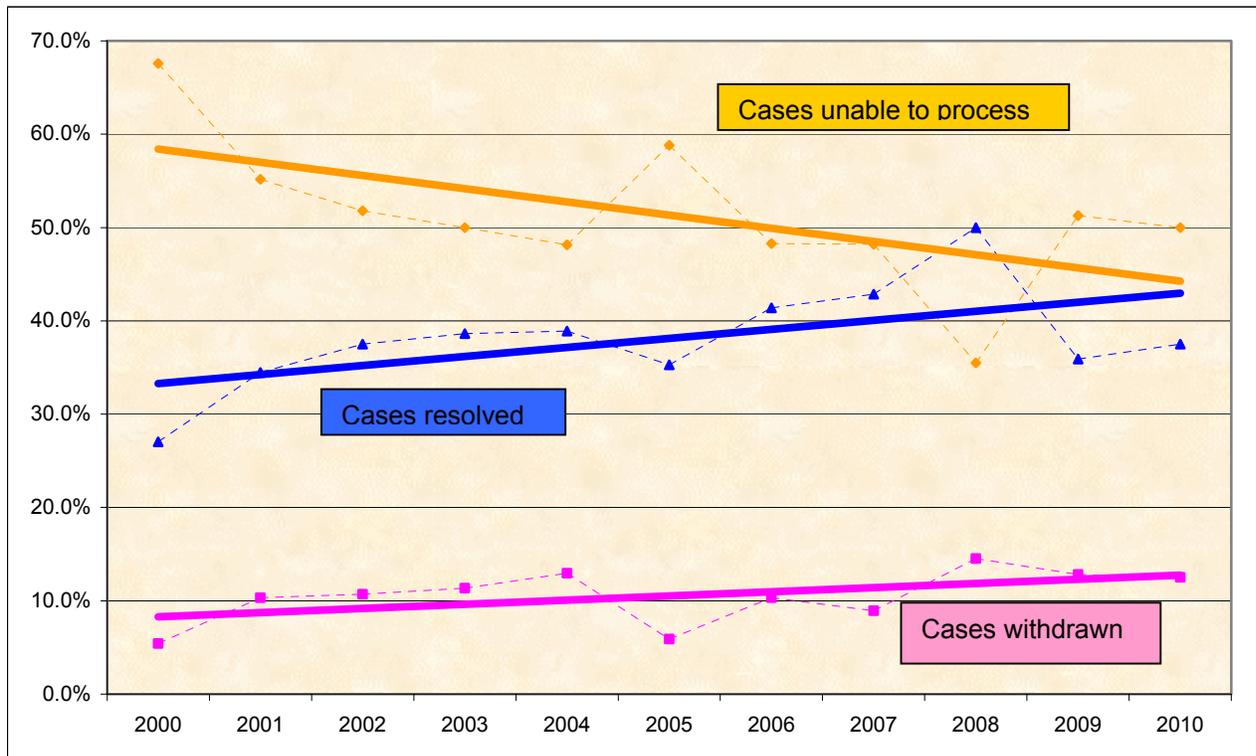
**Table 1. Basis for Complaints By County, HUD 2000 through 2010 YTD**

Basis for Complaint	Honolulu		Maui		Hawai'i		Kaua'i		State of Hawai'i	
	Count	Col %	Count	Col %	Count	Col %	Count	Col %	Count	Col %
Disability	184	50%	33	53%	42	53%	9	36%	268	50%
Race	148	40%	23	37%	34	43%	7	28%	212	40%
Family Status	52	14%	10	16%	14	18%	11	44%	87	16%
Retaliation	63	17%	7	11%	6	8%	2	8%	78	15%
Sex, harassment	53	14%	5	8%	7	9%	3	12%	68	13%
Unspecified Issue	11	3.0%	3	5%					14	2.6%
<b>Total</b>	<b>369</b>	<b>100.0%</b>	<b>62</b>	<b>100.0%</b>	<b>80</b>	<b>100.0%</b>	<b>25</b>	<b>100.0%</b>	<b>536</b>	<b>100.0%</b>

**Disposition of Fair Housing Complaints at HUD**

Figure 14 shows what became of discrimination complaints filed between 2000 and 2010. The list of dispositions is summarized to show the three major types of case dispositions. Some cases did not reach a final status. They could not be processed because an initial investigation found no cause for the complaint because of jurisdiction issues or because Fair Housing Assistance Program (FHAP) dismissed the case. Some cases were withdrawn by the complainant before any solution was reached, and some cases were resolved either through litigation or negotiation. The figure shows actual data and trend lines for each disposition category.

**Figure 14. Disposition of Housing Complaints filed, HUD, 2000-2010 YTD**



Note: Data for 2010 cover cases filed between January and August. Cases that have not yet been decided upon are not included in this graph. For a detailed table, see Appendix F.

Since 2000 the number of cases being resolved has been increasing and the number of cases that could not be processed has been decreasing. The percent of cases that could not be processed fell from over 65 percent in 2000 to less than 41 percent in 2009. The percent of cases ultimately solved to the benefit of the complainant rose from 27 percent in 2000 to 37 percent in 2010. It rose to 50 percent in 2008. This may suggest that filings are more accurately related to fair housing laws or that the investigation, negotiation, and litigation process has become more effective. Regardless, the process behind the fair housing complaints cases filed with HUD has been improving with respect to their objectives.

The number of days required to close a housing discrimination complaint is a function of the basis for the complaint and the final disposition. Across all bases, the fastest way to close a complaint case is for the complainant to withdraw the complaint (with or without resolution). When a case requires FHAP involvement or litigation, the median number of days required to complete the process is significantly longer. The emphasis placed on mediating a positive outcome between the complainant and respondent in the past several years has led to a decrease in the median number of days a discrimination complaint spends in the process. For details on the number of days required to close a discrimination complaint, see Appendix F.

## Complaints and Cases on File at HCRC

According to HCRC's process for evaluating fair housing complaints, a complainant must first fill out a pre-complaint questionnaire. An HCRC staff person then evaluates the questionnaire. If the HCRC has jurisdiction to address the complaint and further action is warranted, HCRC will move forward with a formal complaint. If there is no evidence that discrimination has occurred, the complainant is advised of their right to file complaints under HUD, HCRC, or on their own. If there is evidence of discrimination, a complaint may be filed, either by the complainant or by the Legal Aid Society of Hawai'i (LASH) through HUD, HCRC, or through the court system. LASH may also initiate proceedings independently.

A complaint can be resolved through mediation between the involved parties or through court proceedings<sup>10</sup>. At present, a very small percentage of the complaints filed result in a court case.

For a comprehensive summary of HCRC's caseload, please refer to Appendix E.

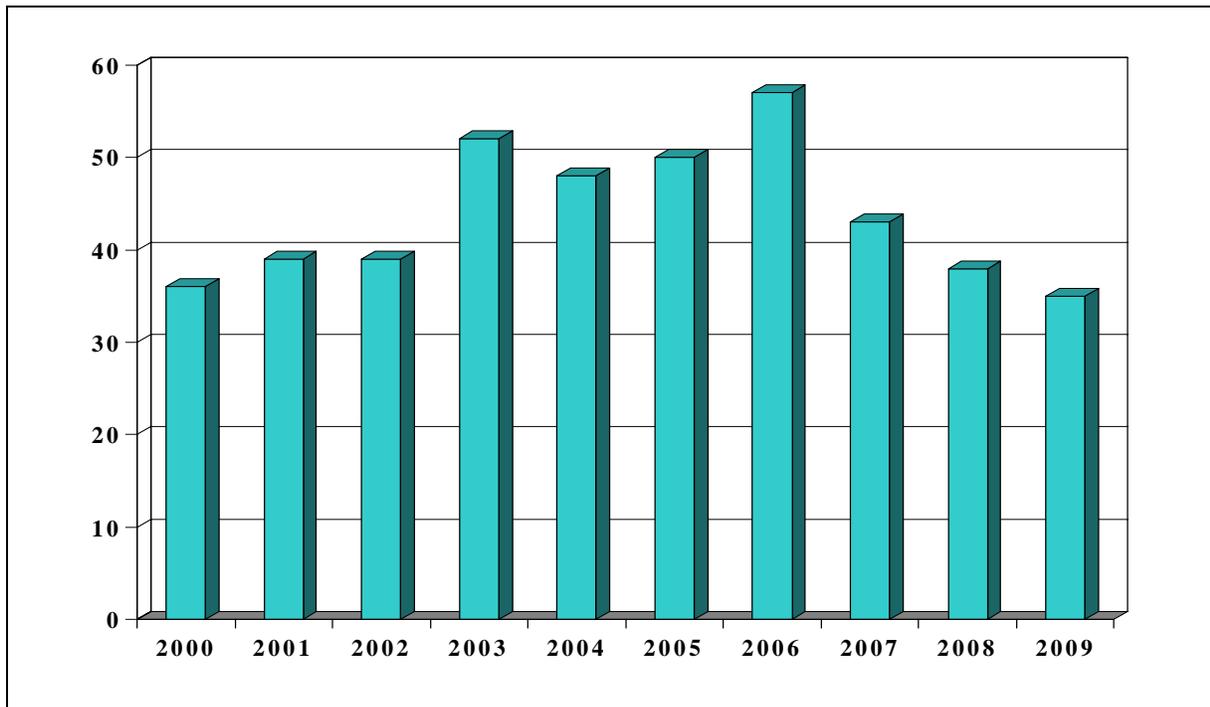
## Trends in Fair Housing Discrimination Complaints at HCRC

Figure 15 shows the trend in the number of housing discrimination complaints that reached the level of filing at HCRC since 2000. The number of complaints filed varies considerably from year to year between 30 and 60 per year. The pattern is similar to that found for the HUD complaints data. With the exception of 2003, there was a steady increase in complaints filed between 2000 and 2006, the peak of the decade's housing price run up. As the housing market contracted after 2006, the number of housing discrimination cases went down again.

---

<sup>10</sup> A detailed outline of this process can be found at <http://www.hud.gov/offices/fheo/complaint-process.cfm>.

**Figure 15. Volume of Housing Complaints, Hawai'i Civil Rights Commission**



The trend shown in Figure 15 is consistent with the trend in the number of contacts both HUD and HCRC received during the same time period. Details on the number and nature of the contacts is unavailable at present, but our conversations with HUD and HCRC officials do not suggest any differences in the rates at which complaints involving housing and other forms of discrimination are processed. Neither did we find any evidence that filing rates are different from one state to the next.

### Types of Fair Housing Complaints at HCRC

Fair Housing complaints filed at HCRC can be summarized using six classifications shown in Table 2. Data are presented for cases filed in three periods for comparison. The distribution of reasons for filing changed very little over those time periods.

**Table 2. Basis for Complaints, HCRC, 1999-2009**

	FY 1999 to 2002		FY 2003 to 2005		FY 2006 to 2009	
	num	pct	num	pct	num	pct
Disability	50	35%	64	41%	60	35%
Race	39	28%	49	31%	46	27%
Family, marital status	27	19%	21	13%	21	12%
Retaliation	16	11%	12	8%	21	12%
Sex, Sex orientation	6	4%	5	3%	17	17%
Other	3	2%	6	4%	8	5%
TOTAL	141	100.0%	157	100.0%	173	100.0%

Source. Annual Reports, Hawai'i Civil Rights Commission.

In general these findings are consistent with HUD data. Complaints based on disability were most numerous, followed by race, family status, and retaliation cases. The bases for complaints are slightly different at the two agencies, but not so different as to cause serious problems in analysis.

The findings are also consistent with the outcomes of our discussions with fair housing experts in the State. They, too, felt that housing discrimination based on disability was by far the greatest cause for concern with respect to fair housing violations in Hawai'i. They also felt that discrimination based on familial status was a major problem. Most experts felt that discrimination based on race and ancestry happened only rarely in the State. Several experts mentioned retaliation as an issue, but did not consider it to be a frequent cause of discrimination.

### Geographic Distribution of Cases

The distribution of HCRC housing discrimination complaints across counties was also similar to the HUD data. A summary for the last four years is shown in Table 3. The distribution of the complaints caseload is roughly the same as the population distribution by county.

**Table 3. Distribution of Cases by County: Calendar years 2006-2009**

	2006		2007		2008		2009		Total	
	num	pct	num	pct	num	pct	num	pct	num	pct
<b>State</b>	30	100.0%	39	100.0%	42	100.0%	35	100.0%	146	100.0%
<b>Hawai'i</b>	5	16.7%	6	15.4%	5	11.9%	1	2.9%	17	11.6%
<b>Honolulu</b>	20	66.7%	29	74.4%	33	78.6%	24	68.6%	106	72.6%
<b>Kaua'i</b>	2	6.7%	0	0.0%	2	4.8%	1	2.9%	5	3.4%
<b>Maui</b>	3	10.0%	4	10.3%	2	4.8%	9	25.7%	18	12.4%

Cell size in Table 3 is quite small for counties other than Honolulu making it difficult to compare the distribution by county and year. There were only five cases filed for the County of Kauai over these four years. That pattern has not changed much since 2000.

### LASH Fair Housing Testing

The Legal Aid Society of Hawai'i provides an array of services intended to implement the Fair Housing Act in Hawai'i. Central to that task is their assistance to people who have complaints of unlawful discrimination with respect to housing. LASH has been instrumental in filing, investigating, and prosecuting many of the complaint cases filed at HUD and HCRC in the last ten years. They also provide education and training, act as advocates for victims of discrimination in Hawai'i, and provide other community services in support of Fair Housing Law. The LASH Website <http://www.fairhousinghawaii.org> provides user-friendly access to all of their services.

The Legal Aid Society provides the only housing discrimination testing services in Hawai'i. Funded by a grant from HUD, testing is part of the Fair Housing Enforcement Program. In general it involves a paired audit of rental opportunities. Two trained testers are assigned to inquire about a specific rental property and record their experiences for review by Fair Housing legal experts. The two auditors are alike in all characteristics except for membership in a specific protected class. If the two testers are treated differently, there may be evidence of housing discrimination. Testing can lead to further investigation, warnings, filed claims, negotiated resolution, or litigation.

Testing can be classified as either complaints-based or systemic. Complaints-based testing occurs when testers are assigned to specific targets based on complaints that LASH receives from persons who feel they have experienced discrimination. Test results can be used to strengthen HUD complaints filings. Systemic tests are assigned randomly or according to some design in order to identify possible discrimination in a neighborhood, a set of landlords, or a specific protected class.

Housing discrimination testing has been an issue of some interest in recent AI studies in Hawai'i. While the primary enforcement procedure is complaints filing, many observers feel that Hawai'i's Asia-Pacific cultures and close-knit communities work against their effectiveness. Regardless of the accuracy of that proposition, it has caused the Fair Housing community in Hawai'i to look toward testing as an ever more important way to combat housing discrimination. In 2009 both the County of Maui and the County of Kaua'i included in their Consolidated Plans materials, an effort to increase testing and tester training in their areas. In parts those efforts included intention to negotiate with LASH to increase the testing schedules for their Islands.

Table 4 shows the distribution of LASH tests for calendar years 2009 and 2010. It is clear from those data that housing discrimination testing has increased noticeably since 2009. Note that the 2010 figures in Table 5 are annualized estimates made on the first eight months of data.

**Table 4: LASH Fair Housing Enforcement Program Testing, 2009 and 2010**

Area	Test Type	Year		Percent Change
		2009	2010 <sup>a</sup>	
O'ahu	Systemic	55	107	94%
	Complaints Based	22	17	-25%
	Total Tests	77	124	61%
Other Islands	Systemic	10	32	215%
	Complaints Based	3	6	100%
	Total Tests	13	38	188%
All Islands	Systemic	65	138	112%
	Complaints Based	25	23	-10%
	Total Tests	90	161	78%
Complaints Filed with LASH		109	104	-5%

a. Annualized estimate based on tests conducted January through August 2010.

Overall, the LASH testing schedule was up 78 percent between 2009 and 2010, from 90 tests completed in 2009 to a projected 161 tests in 2010. The increase resulted primarily from an increase in systemic testing more than complaints-based testing (112% vs. -10%). That was consistent with the complaints caseload, which was about the same for 2010 as it was in 2009.

Testing also increased much more for the Counties of Maui, Hawai'i, and Lāna'i than it did for O'ahu (188% vs. 61%).

All this is consistent with key informant reports that LASH had stepped up the testing program, increased recruiting for testers, and initiated more tester trainings in 2010. Appreciation for that change came more frequently from the Neighbor Islands than from O'ahu. LASH reports that they have indeed increased staffing for the Outer Islands, expanded testing and training schedules, and increased the level of activity and attention on testing.

LASH also shared the basis for the complaints filed in 2009 and 2010. The 2009 results are shown in Table 5.

**Table 5: LASH Basis for Complaints, 2009**

Basis	Complaints File	
	Number	Percent
Disability	78	71.6%
Race, national origin, color, ancestry	11	10.1%
Age	7	6.4%
Family status	6	5.5%
Sexual orientation	4	3.7%
Gender	3	2.8%
Total Complaints Filed	109	100.0

The pattern of reasons for filing complaints at LASH is very similar to patterns shown in the HUD and HCRC data. Disability complaints lead the list, followed by race and family status. The relatively high number of cases based on age may be an anomaly for 2009. Between January and August of 2010, no complaints were filed alleging age discrimination. Although we do not have data for years earlier than 2009, we can hypothesize that the LASH complaints have a similar pattern over time, with little change in the number of or basis for complaints filed each year.

We have no data on the disposition of complaints at LASH, nor do we know the data for the results of LASH housing discrimination testing. We look forward to improving those outcomes statistics in future AI studies in Hawai'i.

In 2010, LASH added a new service to its list of efforts to affirmatively further fair housing in Hawai'i. They began to monitor the Web for violations of the Fair Housing Law. At present, one or two staff members monitors Internet advertisements for rental property in Hawai'i at least once a day for one hour. This service has not yet yielded statistical results and is in a developmental phase. We hope that the next AI conducted in Hawai'i will be able to report hard data on the impact of this new service.

## IV. PUBLIC AWARENESS SURVEY

Surveys were conducted among samples of 400 individuals several times between 2003 and 2010. Respondents were selected using a Random Digit Dialing (RDD) method and consisted of Hawai'i residents 18 years of age or older. The survey content was based on a survey developed for HUD by social scientists at The Urban Institute in Washington, D.C. It was designed to measure the level of awareness and nature of understanding of impediments to fair housing in Hawai'i. In 2009, the content of the survey was adjusted slightly to accommodate new interests in the State and to add information to the study.

### Survey Scenarios

Survey respondents were presented with ten brief scenarios involving various real estate sales or rental practices that would be illegal under the Federal Fair Housing Law. The scenarios are presented in Figure 16. The figure describes 10 housing practices. For each one, respondents were asked first whether they felt that practice should be legal or illegal in Hawai'i (ethics), and then whether they thought the practice was currently legal or illegal according to Fair Housing law (legality). Their responses to those questions are shown in Table 6.

**Figure 16. Fair Housing Law Awareness, Survey Scenarios**

Item	Scenario	Description
1	OK to assign families with children to one segregated building	An apartment owner who rents to people of all age groups decides that families with younger children can only rent in one particular building, and not in others, because younger children tend to make lots of noise and may bother other tenants.
2	OK to reject applicant if they are poor housekeepers	In checking references on an application to rent a home, a homeowner learns that an applicant does not have the best housekeeping habits; they do not always keep their current home neat or clean. The owner does not want to rent to such a person.
3	OK to refuse to allow wheelchair ramp construction	A homeowner is renting to a tenant who uses a wheelchair. The building is old and does not have a wheelchair ramp, and the tenant wants a small wooden ramp constructed at the building door to more easily access the building. He asks the owner if it is okay to build the ramp. The tenant says he will pay all the costs, and agrees to have the ramp removed at his own expense when he leaves. The owner, however, believes that such a ramp will not look good on his building, and decides he does not want it constructed on his property.
4	OK to advertise for "Christians preferred"	A homeowner places a notice on a community bulletin board to find a tenant for a vacant apartment. The notice says, "Christians preferred."
5	OK to reject applicant for mental illness	In checking references on an application for a rental unit, a homeowner learns that the applicant has a history of mental illness. Although the applicant is not a danger to anyone, the owner does not want to rent to such a person.
6	OK to reject an applicant because of religion	An apartment owner learns that an applicant for a vacant unit has a different religion than all the other tenants in the building. Believing that other tenants would object, the owner does not want to rent to such a person.
7	OK to sell only to Caucasians in Caucasian neighborhoods	The question involves a family selling a house through a real estate agent. They are Caucasian, and have only Caucasian neighbors. Some neighbors tell the family that, if a non-Caucasian person buys the house, there would be trouble for that buyer. Not wanting to make it difficult for a buyer, the family tells the real estate agent they will sell their house only to a white buyer.
8	OK to show Caucasians only homes in Caucasian areas (steering)	A Caucasian family looking to buy a house goes to a real estate agent and asks about the availability of houses within their price range. Assuming the family would only want to buy in areas where white people live, the agent decides to show them only houses in all-white neighborhoods, even though there are many houses in their price range that are in other parts of the community.
9	OK to reject loan applicant because of lack of steady income	A Hawaiian person applies at a bank for a home mortgage. He does not have a steady job or enough income to pay a monthly mortgage payment. When the applicant did work, the job did not pay much. Because of the lack of a steady job and insufficient income, the loan officer decides not to give this person a mortgage.
10	OK to require higher down payment for a Samoan family	A Samoan family goes to a bank to apply for a home mortgage. The family qualifies for a mortgage but, in the bank's experience, Samoan borrowers have been less likely than others to repay loans. For that reason, the loan officer requires that the family make a higher down payment than would be required of other borrowers before agreeing to give the mortgage.

Three measures of awareness were extracted from the data: social norms, lack of awareness, and incorrect knowledge of the law. For each of the scenarios, the objectives were as follows:

1. **Social norms:** Increase the percentage of respondents who feel the practice should not be permitted by at least four percentage points.
2. **Awareness:** Decrease the percentage of respondents who were not sure of the legal status of the practice by four percentage points.
3. **Correct Knowledge:** Among those who had an opinion on the legal status of the practice, increase the percentage of respondents who knew the practice was illegal by at least four percentage points.

**Table 6. Fair Housing Law Awareness, Hawai'i, 2003 and 2009**

Sales or Rental Practice	Should not be permitted		Currently illegal		Not sure of law	
	2003	2009	2003	2009	2003	2009
OK to assign families with children to a segregated building	44%	45%	74%	75%	44%	39%
OK to reject applicant if they are poor housekeepers	22%	22%	56%	56%	43%	39%
OK to refuse to allow wheelchair ramp construction	60%	60%	71%	71%	36%	34%
OK to advertise for "Christians preferred"	60%	63%	83%	85%	22%	19%
OK to reject applicant for mental illness	53%	52%	78%	77%	36%	33%
OK to reject an applicant because of religion	86%	86%	93%	93%	20%	18%
OK to sell only to Caucasians in Caucasian neighborhoods	71%	81%	75%	86%	32%	21%
OK to show Caucasians only homes in Caucasian areas*	12%	46%	13%	50%	23%	24%
OK to reject loan application for lack of steady income*	11%	12%	13%	15%	17%	20%
OK to require a higher down payment for a Samoan family	87%	88%	89%	90%	25%	21%

\* Question was added or wording was changed in the 2009 version of the steering question.

The survey findings shown in Table 6 can be applied to the three AI research questions as follows:

**Social Norms:** Social norms are changing in the right direction but the rate of change has not matched State objectives. The social norms for Fair Housing in Hawai'i improved for four of the eight sales and rental practices evaluated. The evaluation objective (to raise the norm by four points or more) was met for two items – showing Caucasians only homes in Caucasian areas and selling only to Caucasians in Caucasian neighborhoods. The remaining social norms stayed essentially same.

**Awareness:** Awareness of what is legal and what is not improved for a few items, but the rate of change was very slow. Awareness of the law improved for six of the ten test items, however, only two of those (showing Caucasians only homes in Caucasian areas and selling only to

Caucasians in Caucasian neighborhoods) improved by more than four points. Awareness dropped for one of the ten practices, although the decrease was not significant (1 percentage point).

**Knowledge:** The percentage of respondents who had any opinion at all has been changing for the better. Response rates increased for eight out of ten items. This suggests that more Hawai'i residents have at least some understanding of fair housing issues.

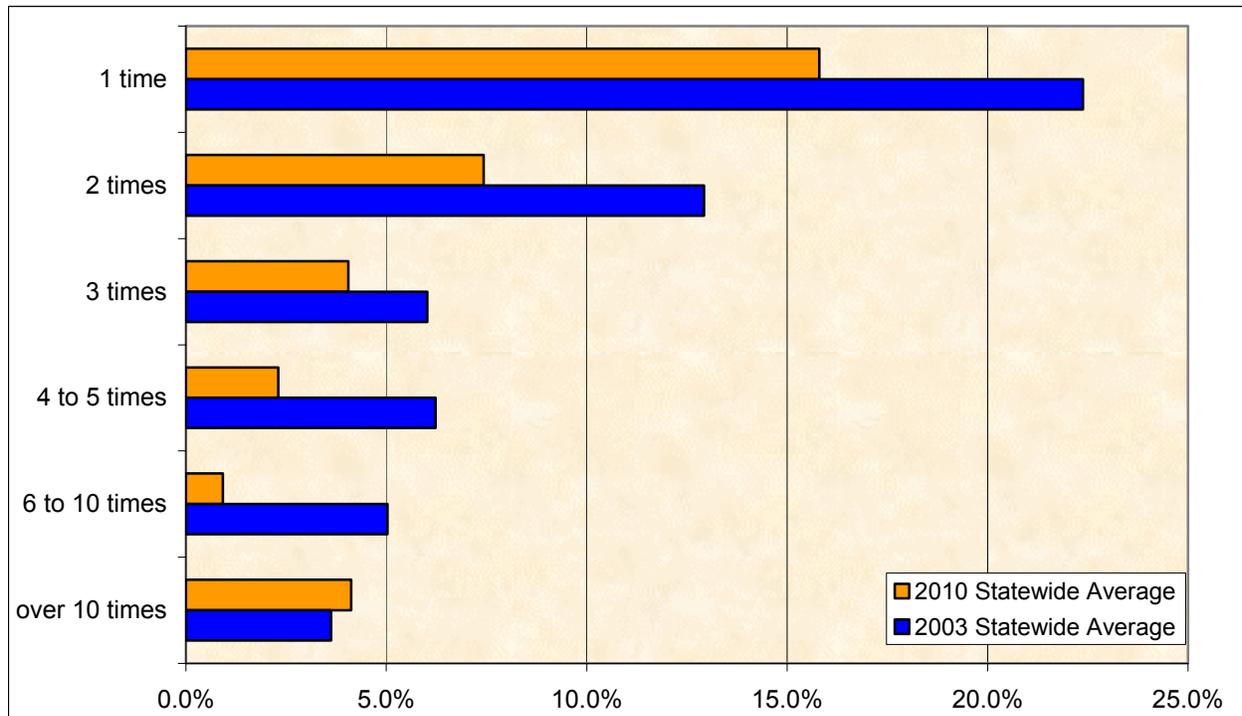
Overall, the awareness of Fair Housing Law in the State of Hawai'i improved between 2003 and 2009. We presented a total of all 30 tests, three for each of the ten scenarios measured in both years. Of those, 26 measurements (87%) were either better or the same as in 2003. None of the scenarios dropped by statistically significant margins. The level of change was not great. Eight of the 30 tests (27%) increased by four percentage points or more.

The modest gains shown in Table 6 were to be expected. The State's 2004 Fair Housing Plan was not designed to dramatically increase public awareness of the Law. The plan concentrated on training and education of real estate agents, property managers, and advocates for target groups. It did not propose major changes in broadcast or print advertising. Large-scale changes in social norms and public awareness usually occur in response to substantial print or broadcast advertising campaigns or to public exposure of actions brought against those who break the law.

## Discrimination

Hawai'i residents reported less discrimination in the follow-up survey than they reported in 2003. Fewer people reported discrimination and those who did experience it reported fewer incidents. The survey asked everyone if they had ever experienced discrimination in the process of buying or renting a house or apartment in Hawai'i. In the follow-up surveys, 18 percent said they had experienced housing discrimination. That's down 5 percentage points since 2003.

**Figure 17. Housing Discrimination Frequency, 2003 and in Follow-up Surveys**

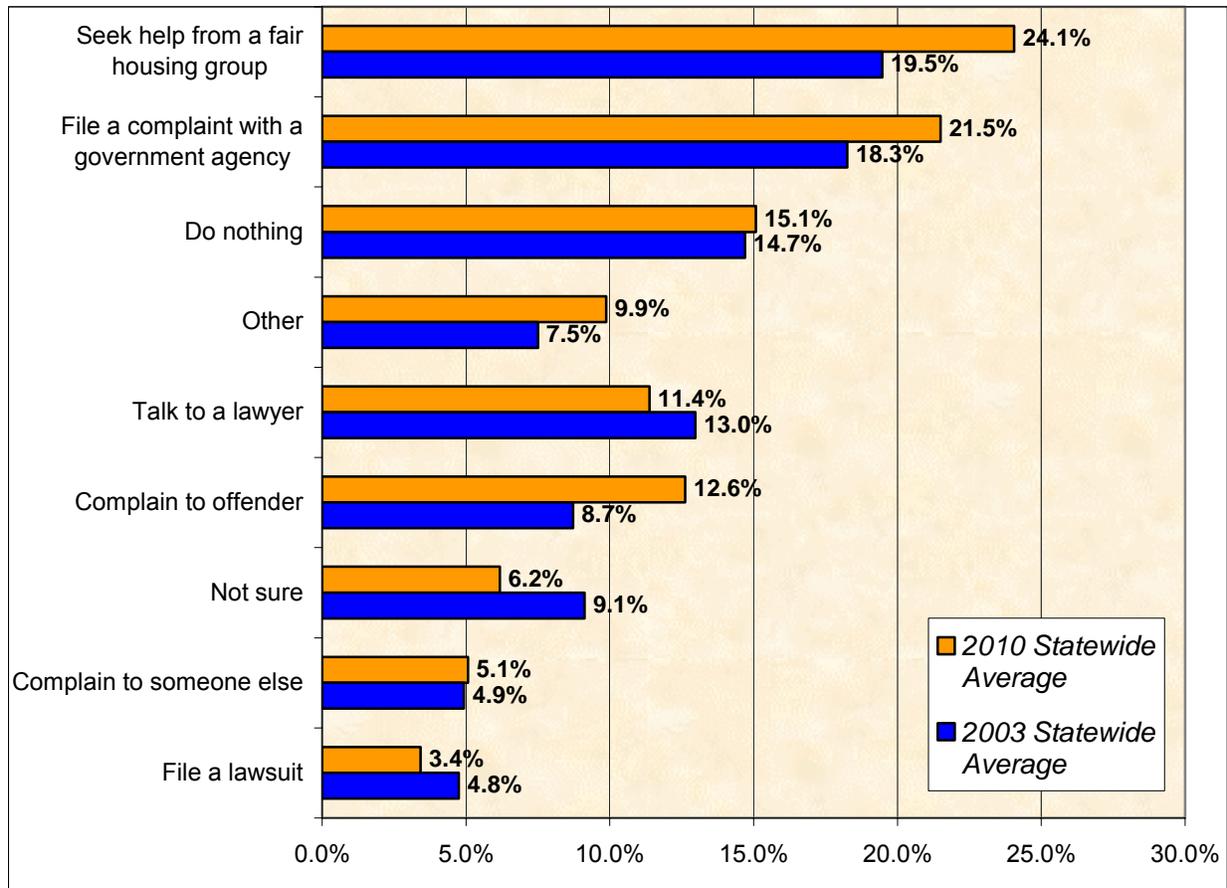


Among those who experienced housing discrimination in Hawai'i, fewer incidents were reported. In 2003, 56.2 percent of the residents who were discriminated against had at least one incident over the previous five years. In 2010, 34.6 percent of residents who were discriminated against reported at least one incident over the last five years.

## Reaction to Discrimination

Whether or not they actually experienced housing discrimination in the follow-up surveys, more Hawai'i residents were willing to do something about it. All survey respondents were asked what they would do if they felt a seller or renter was discriminating against them. Results are shown in Figure 18 for 2003 and the follow-up surveys.

**Figure 18. Reaction to Perceived Housing Discrimination, Hawai'i, 2003 and 2009**



\* Multiple responses were permitted.

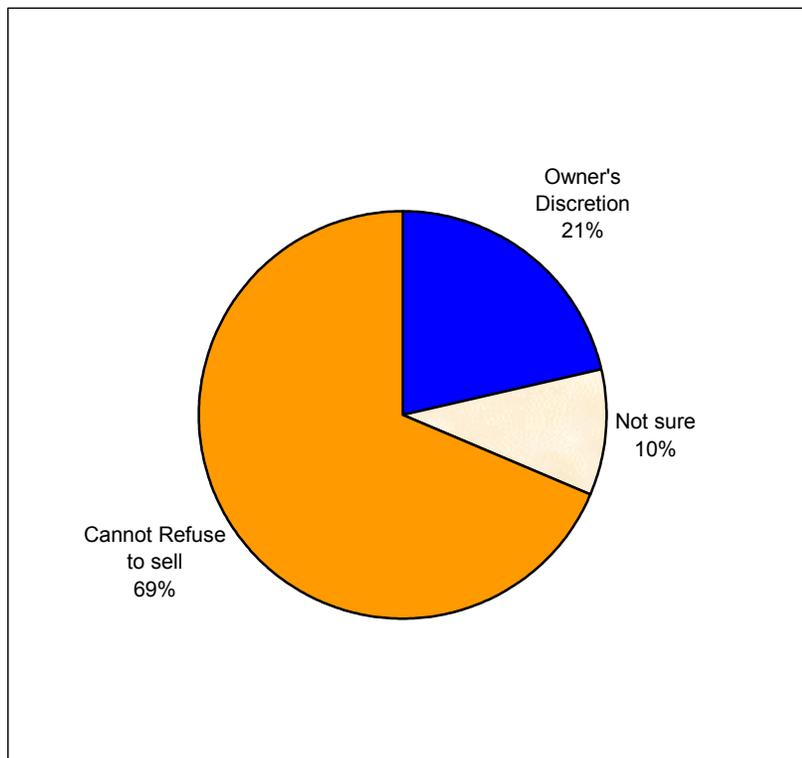
In 2009, nearly the same number of respondents said they would do nothing about discrimination although fewer claimed to be uncertain of what to do. In general, Maui tends to be the most aggressive in pursuing solutions; Kaua'i tends to be the least aggressive. O'ahu and the Island of Hawai'i fall in between. The largest changes were in willingness to consult with a housing group or government agency, or complain to the offender about discrimination. More Hawai'i residents were willing to confront the offender, seek help from a fair housing group, or file a complaint with a government agency. Many experts felt that fear of retaliation, or reticence to risk confrontation, greatly hinder the identification and treatment of housing discrimination on Hawai'i. However, the results shown in Figure 18 indicate progress and suggest Hawai'i residents are more willing to take action when they feel they have been a victim of housing discrimination.

## Reaction to Fair Housing Legislation

A new item was added to the survey in 2009 to measure reaction to the broader concept of Fair Housing Law. The intent was to augment the measurement of many individual aspects of the Law with a very general question on the acceptability of Fair Housing laws. The proposition to be evaluated was:

Suppose there's a community-wide vote on housing issues, and there are two possible laws to vote on. One law says that homeowners can decide for themselves whom to sell their house to, even if they prefer not to sell to people of a certain race, religion, or nationality. Another law says that homeowners cannot refuse to sell to someone else because of their race, religion, or nationality. Which law would you vote for?

**Figure 19. Voting**

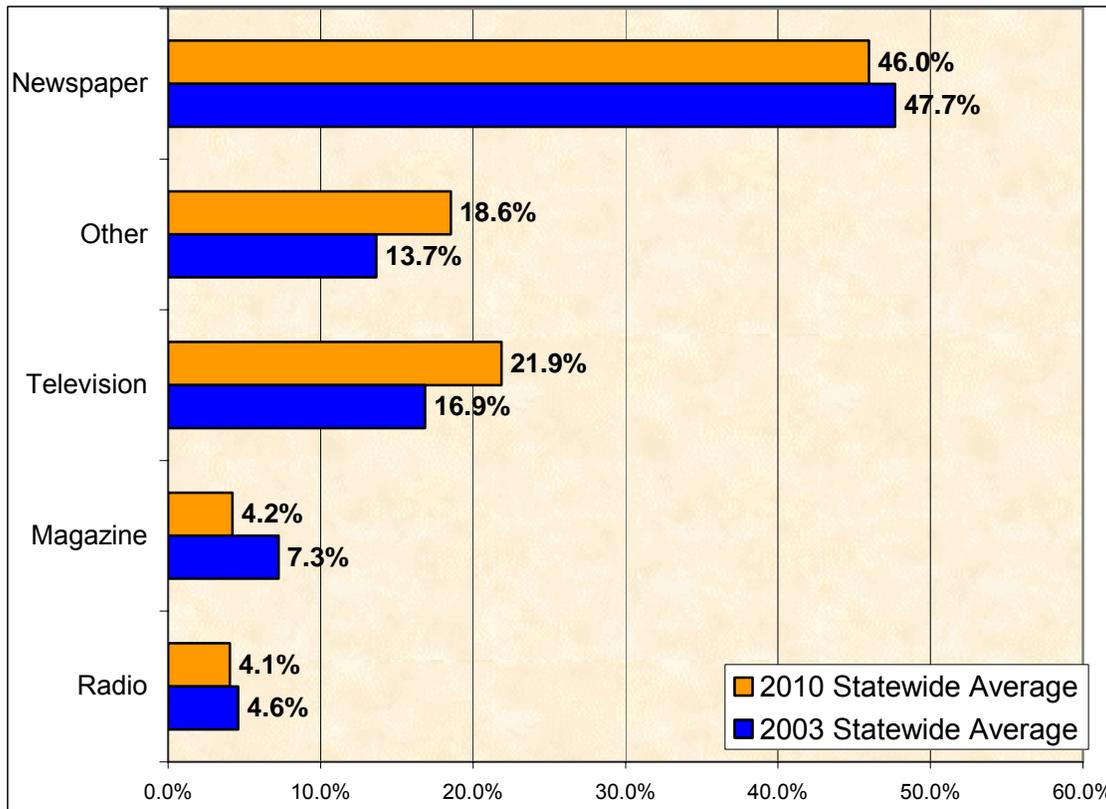


If the State put the Fair Housing Law before the voters in 2009, about 69 percent of Hawai'i voters would have approved a law that regulates real estate procedures in order to eliminate housing discrimination. About 21 percent would have voted against it, preferring instead to maintain a *laissez-faire* approach to the housing market. The other 10 percent weren't able or willing to choose to support or oppose the law. It will be interesting to monitor the reaction to this generic proposition in the future.

## Advertising Awareness

In 2009 Hawai'i residents said they saw more advertisements about Fair Housing than they had seen in 2003. In 2009, 20 percent of residents reported being exposed to some type of Fair Housing advertisement in the past three months, up 9 percentage points from 2003 (11%).

**Figure 20. Exposure to Fair Housing Advertisements**



There were increases in some electronic forms of Fair Housing advertising reported by Hawai'i residents in 2009, along with decreases in traditional forms of advertising. The highest percentages in both years occurred in newspaper advertising. People reported seeing Fair Housing logos attached to ads or placed in the real estate section. Reported sightings of Fair Housing ads on television increased by five percent between 2003 and 2009. Fair Housing law in real estate classes or from real estate agents was noticed for the first time in 2009. Prior to that time, we had not received a response. Perhaps this suggests that trainings provided by the State and other housing agencies on Hawai'i have had a positive impact. Overall, however, these results are unexpected. Our canvassing of housing informants in the State suggested that little advertising had been done at all in the previous three or four years.

## V. AGENCY INTERVIEWS

The central component of the AI study was a set of interviews conducted with Fair Housing stakeholders including housing providers, advocacy groups, and experts with some interest in or knowledge of Fair Housing issues. SMS conducted interviews with 40 experts across the State from 33 agencies to identify major impediments to fair housing. Agencies and individuals were selected to represent a broad spectrum of interests and point-of-view.

- Disability and Communications Access Board
- Hawai'i Center for Independent Living
- Office of Housing and Community Development
- Mental Health Kōkua
- Catholic Charities Hilo
- Aloha Island Properties
- Child and Family Services
- Lawyers for Equal Justice
- Hawai'i State Senate
- Legal Aide Society of Hawai'i (LASH)
- U.S. Department of Housing and Urban Development (HUD)
- Hawai'i County Office of Aging
- Kaua'i Board of Realtors
- Resident Rentals Inc.
- Eyes of the Pacific, Guide Dogs and Mobility Services, Inc.
- City and County of Honolulu, Department of Community Services
- City and County of Honolulu, Elderly Affairs Division
- Hawai'i Disability Rights Center
- Hawai'i Civil Rights Commission
- Catholic Charities Comm. & Immigrant Services, Kawaihae Transitional Shelter
- County of Kaua'i, Fair Housing Office
- Domestic Abuse Shelter
- Hawai'i State Council on Development Disabilities
- Hilo Domestic Violence Shelter
- Steadfast Housing
- Housing and Community Development Corporation of Hawai'i
- Maui Economic Opportunity, Inc.
- Mental Health America of Hawai'i
- Women's Fund of Hawai'i
- Maui County Housing Divisions
- Disability Rights Hawai'i

Subjects were asked to comment on their familiarity with the Fair Housing Law, its efficacy in Hawai'i, and possible improvements for the most pressing impediments to Fair Housing.

## Major Themes

The key informant interview component of an AI investigation has been increasingly useful in recent years. Reviewing rules and regulations, analyzing hard data on complaints and testing, and tracking changes in the housing environment can all reveal facts or anomalies or changes in Hawai'i's Fair Housing situation. But whether any of those rises to the level of an impediment to Fair Housing requires interpretation and assessment. Key informants report their observations and their evaluations from the vantage point of front-line players in their day-to-day work providing housing and housing assistance across the state. As a result, their ideas about what is going on – and what is going wrong – ring with a certain amount of authority that is missing from the more mundane data we collect.

Summarizing the results of our 2010 key informant interviews, and considering interviews conducted across the State in 2004, 2007, and 2009, we can point to several general themes taken from the collective voice of our informants.

***Increasing Engagement.*** Over the last six years, AI Study informants have become more involved and more informed, more forthcoming and more critical. The involvement is associated with greater experience with the law and how it affects the work of realtors and housing officers, bankers and advocates for the protected classes, attorneys and housing planners. Over the years the law has become more visible and more frequently applied. Greater resources are available and more relevant programs are in place. The candor may be associated with greater experience and also with the fact that AI studies are becoming commonplace. People know they will be contacted and asked for their opinion. More importantly, after six years of AI studies, no one has suffered any recrimination for offering their opinion. The increase in critical or negative comment may stem from better understanding of impediments to fair housing, or of the law itself. It may also reflect better knowledge of some of the more serious and longstanding problems in providing equitable access to housing in Hawai'i.

***The Housing Environment.*** Most informants are knowledgeable about the housing situation in Hawai'i and with housing market trends over the last decade; they know the volatility of the housing market, high prices, low availability, shortages of housing units for people with special needs, etc. Some argue that lack of affordable housing is Hawai'i's most serious impediment to Fair Housing. In recent years, we increasingly encounter more sophisticated analysis of the market as it affects fair housing. As housing prices rise, opportunities for discrimination grow. When the market stagnates and tenants are harder to find, discrimination falls off. Hot housing markets shift resources and attention to the top end of the market and production of low- and middle-market units decreases. A down market provides opportunities for increasing homeownership and producing low-end and special needs housing units.

***Views on Discrimination:*** Virtually everyone with whom we spoke agreed there is housing discrimination in the State of Hawai'i. Most felt it was less serious than in the past and nearly everyone felt it was without deliberate or malicious intent. We are told that Hawai'i housing discrimination is a result of ignorance of the law, lack of knowledge or understanding, or misinterpretation of regulations. One way to remedy this is to expand and improve education and training. Furthermore, education and training would be the most effective if aimed towards small, independent landlords who are the source of most infractions. In recent years informants have become more willing to say that we have housing discrimination in Hawai'i and more of them are suggesting that discriminators may not all be ignorant and innocent. Between 2006 and 2010 Hawai'i housing prices leveled off and then drifted downward. Sales dropped dramatically. Some feel that discrimination has decreased as a result.

**Views on Structural Impediments:** In 2003, key informants mentioned few if any structural impediments to Fair Housing in Hawai'i. It was as if discrimination was the single impediment at work. As time goes on, informants increasingly point to a perceived need for regulations (or fewer regulations), lack of agreement between rules and regulations, failure to enforce regulations, and individual incidents of misapplication of regulations. The change is consistent with the tendency to be more candid and more critical, or with the recent increase in high-visibility lawsuits filed against public housing agencies. It is also consistent with a decrease in discrimination since 2007, which may place greater attention on structural impediments to Fair Housing.

**Education vs. Enforcement:** We noted above that most informants feel that education is the most effective method for decreasing discrimination in Hawai'i. Consistent with that fact, fair housing components of Hawai'i Consolidated Plans have all focused on improving or expanding education and training. Between 2004 and 2007, almost no one suggested a need for enforcement. A few mentioned that perhaps some small independent landlords were less than innocent in their transgressions of the law and that publishing results of successful actions taken against Fair Housing law violators would be useful in decreasing transgressions. In 2007, one or two informants told us that managers of public housing agencies might be responsible for some of the serious cases of discrimination. In 2010, front-page coverage of litigation brought on behalf of public housing tenants were frequently mentioned in our interviews. Considerable time was spent discussing "skins on the wall", more vigorous prosecution by HCRC, and increased testing by LASH.

From another point of view, education and training are less highly regarded in 2010 than they were in 2003. Some observers feel that some who attend training sessions are there to learn the law and how to circumvent it.

## Fair Housing Discrimination Identified

Across the State, the experts, service providers and advocates we interviewed this year reported less discrimination, overall, than in the past. There are still cases reported, however with the surplus in housing inventory, renters are being less discriminatory over who they are willing to rent to. Specific instances of discrimination we were told of were based on:

**Disability:** Nearly all experts we spoke with indicated that persons with disabilities were the most frequent victims of housing discrimination in Hawai'i. Specifically, there are not enough affordable, accessible units suited to the needs of disabled persons. Considering the shortage of dedicated units for the disabled, it is problematic that private sector small landlords are often ignorant of the law and unwilling to provide reasonable accommodation for disabled persons. Our interviews suggest the problem is much more prevalent than what is indicated in complaints data. Respondents who provide for or advocate for disabled persons suggest it had been a common problem for years. It persists because of an unwillingness to make alterations to units in order to accommodate persons with special needs.

In addition to unit alterations, there is a growing problem with landlords who are unaware of the laws concerning companion animals. They are often unwilling to rent to disabled persons who require animal assistance, such as a guide dog, citing that they do not allow animals in their

rental unit. We were also told that the difference in HUD and ADA rules regarding companion animals creates additional confusion for renters as well as landlords<sup>11</sup>.

Some respondents knew the data and could cite HUD or HCRC complaint statistics that show discrimination against persons with disabilities to be the number one cause for complaint filings in Hawai'i. Some were even aware that noncompliance with reasonable accommodation requirements laws was the section of the law most frequently violated. Others reported their comment on discrimination against persons with disabilities from their own experience in the field.

Finally, one informant believes that the HUD/section 8 definition of persons with disabilities is inaccurate. They claim that private owners are more accommodating of persons with disabilities, but that where the line is drawn by the county to distinguish disabled from disadvantaged is an issue.

***Race, National Origin, and Color Discrimination:*** This is a complex issue in Hawai'i. As in 2003, 2007, and 2009, our 2010 respondents told us that racial or ethnic discrimination in Hawai'i is all but non-existent. One or two people differ and claim that there is just as much race discrimination in Hawai'i as in any other State, but that it is more difficult to identify and prosecute it here. Some know that, when we sum complaints for race, ethnic, and color discrimination, the category is second only to disability status as a basis for complaints. They feel, however, that persons who feel they are victims of discrimination tend to site race as a basis because they are unfamiliar with other protected classes<sup>12</sup>.

On the other hand, most of our respondents reported that, other than disabled persons, the single group most frequently involved in housing problems was the Micronesians<sup>13</sup>. A few respondents felt that Micronesians were experiencing racial discrimination but were less likely to report it because they do not understand the American legal system and they are more likely to expect retaliation. Others felt that there was no outright discrimination involved. The Micronesian social and legal systems are very different from American culture and courts. Until this newest group of immigrants becomes fully familiar with our laws and more, many misunderstandings can occur causing an uneasy relationship between landlords and tenants.

Another form of race/ethnic discrimination involves the failure of landlords or property managers to provide forms and contracts printed in the language of the tenant, and to provide translators for non-English speakers as needed. The problem, we were told, was as common among public housing administrators as it was among small independent landlords.

---

<sup>11</sup> United States Department of Housing and Urban Development, *Section 504 frequently asked questions*, states: "The ADA, when it is applicable to a residential housing project, does not "supersede" Section 504, assuming Section 504 is also applicable. Instead, where both laws apply to a housing project, the project must be in compliance with both laws."

<sup>12</sup> HUD suggests race or ethnic based complaints are more difficult to prosecute successfully. Since 1999, fewer race/ethnic cases were successfully resolved, and more were unresolved because no cause could be established.

<sup>13</sup> "Micronesians" as used here are persons who recently migrated to Hawai'i from the Federated States of Micronesia (Yap, Chuuk, Pohnpei, and Kosrae).

**Familial Status:** Property owners have been known to discriminate against families with children due to the potential wear and tear that they may cause to the property. Participants' views varied on the prevalence of single-parent discrimination. Some felt it existed, others said they had not witnessed this type of discrimination. Several noted discrimination against large families or extended families.

Several respondents noted that some immigrant groups, and especially Micronesians, have a reputation for moving into public housing and then bringing many extended family members in to live with them. This is an often-repeated story, for which we have not been able to find any documented evidence.

Most of our informants add to their statements about discrimination based on family status that Hawai'i has a significant shortage of housing units suited to large families.

**Mental health and substance abuse:** Several informants told us that discrimination against persons with mental health issues are sometimes perpetrated as refusal to rent to substance abusers. Advocates for mental health clients estimated that 65 percent of mental health patients were dual diagnosed with substance abuse problems. Records of substance abuse are not expunged even after rehabilitation. These issues make it particularly difficult to find and retain housing for their clients.

Advocates for persons with mental illness felt that their group experienced constant discrimination. Landlords will invoke any excuse they can muster up in order to avoid renting to persons with a history of mental illness or drug abuse. Most recently, significant problems have risen with respect to rules against prescription medications and rules against persons with a history of drug use.

**Gender:** No one mentioned outright discrimination against males or females, or even against gays, lesbian or transgender persons. Several informants felt there has been an increase in sexual harassment cases related to housing, but that it usually goes unreported.

**Retaliation:** No respondents reported any personal experience with clients or others who experienced retaliation from a landlord. While there have been some complaints filed with HUD and HCRC citing retaliation, many respondents have told us over the years that prospective renters will refrain from filing discrimination complaints because they fear retaliation.

## Fair Housing Impediments identified

The list of impediments to Fair Housing was also a bit longer in 2009 than in 2003. The list below is offered in no particular order of importance.

- **Education:** Many agencies offer trainings of some sort but the attendance rates have been low. Many respondents felt that trainings offered by HPHA were excellent. While some were well attended, there was still the feeling that not enough people were being trained, and that those being trained may not be the ones who are most in need. Many felt that training opportunities for the protected classes were sufficient, high quality, and effective and that training for property managers were well attended and adequate. But they were less certain that small property managers and individual landlords were being well trained in sufficient numbers.

- **Reporting Fair Housing Violations:** Nearly everyone we interviewed felt that complaints recorded by HCRC seriously underestimate the actual incidence of housing discrimination on Hawai'i. This was not a criticism of HCRC or HUD. In fact, both HCRC and HUD would agree with the assessment. Rather, it is believed that victims of housing discrimination often choose not to report egregious cases of discrimination, which happens for a variety of reasons. The most problematic is fear of confrontation or retaliation, which occurs more often among the protected classes than other Hawai'i residents. This was no different than what we heard in 2003, although this year informants reported that the problem affected Neighbor Island populations to a greater extent than on O'ahu. In smaller, more integrated communities, "everyone knows everyone else," and the fact that a person filed a complaint will be widely known. The possibility of retaliation is perceived to be greater than in larger communities.
- **Testing:** There were some who were not aware that LASH testing was being carried out on Hawai'i. No one had seen any results, and most felt the program testing was insufficient to counteract housing discrimination. Some reported that the big problem was the shortage of testers on Hawai'i. Volunteer testers fear their anonymity will be compromised in small communities. LASH agreed with that assessment and also with the proposition that more testing is needed for Hawai'i. In addition, the State and the housing advocates on Hawai'i don't get the results of testing on a regular basis. The situation can be improved if LASH testing results are provided to State Housing Officials on a regular reporting schedule.
- **Technology:** Technology issues were the major new development for Fair Housing AI studies in 2009. Both advantages and disadvantages were cited. On one hand, Internet access to information on Fair Housing was cited as a very useful tool. In 2003, no one even mentioned the Internet as a resource in Fair Housing work. In 2009, when we asked informants where they would go to get information on Fair Housing Laws for themselves or their clients, virtually all of them offered as their first choice: "I'd go to the Internet." On the downside, recent studies at HUD Honolulu note that rental advertising on the Internet offers many opportunities to bypass scrutiny and place overtly discriminatory advertisements. Advertisements on websites, such as Craigslist, are currently not reviewed. One participant remembered specific advertisements that published unlawful phrases from renters such as, "no HUD" and "no children." HUD is completing its study now and will be seeking solutions to the problem for implementation in the near future.
- **Geographic Segregation:** Due to many factors such as land expenses and community refusal to accept group homes, care homes are not widely available to the public. Disabled individuals may not be able to get the services they need or are forced to accept housing in areas other than where they would like to live.
- **Media/Technology:** Participants could not remember seeing any advertisements promoting Fair Housing laws. Three informants felt that advertising would help, especially in reaching the small independent landlords and the general public.
- **Public Housing Regulations:** Several informants felt that current regulations limit access to public housing for protected classes and constitute *de facto* discrimination. The examples were noted. First, rules that ban children from senior housing projects fail to take into consideration the rising number of children being cared for by grandparents and can be interpreted as discrimination due to familial status. Second, it was alleged that public housing residents are not provided sufficient notice before being evicted. That may create more homeless families in an environment where affordable rentals are hard to find. Third, credit and background checks cause serious problems for low-

income families. There are few homeless individuals with a solid credit background and immigrants have no credit background at all.

## Recommendations for Improvement

There was a strong consensus among our expert informants that more training and education was needed. They understood that training and education had been the major thrust of the previous action plans. Training and education in their own programs were being done. They also felt that the best thing to do in Hawai'i's current fair housing environment was to continue that same strategy. Members of the protected classes needed continued training in their rights. Small landlords and large property managers, real estate agents, and private owners needed training. They also requested stronger enforcement of training rules for violators of the law. We were told that proper education enlightens the public of their rights, informs landlords of potential transgressions, and could be the most effective tool against the fear of retaliation and underreporting.

As in 2003, the most important enforcement procedure was to identify a successfully prosecuted Fair Housing transgressor, and issue press releases to keep that case in the headlines. It was expected that the story might lead landlords to compliance. But the most valuable use for the story was as a training tool to show landlords what can happen if Fair Housing laws are violated. That is, enforcement is useful in training and education.

There was some concern that the geographic segregation issue could lead to a legal action being brought against the State or counties. Our informants hoped that would not happen and opted instead to work on the problem in the planning phase, that is, plan for more broadly distributed public housing projects.

There should be a more effective way to monitor housing advertisements on the Internet, and a few felt it would be useful to put together a larger budget for broadcast advertising.

## VI. DEVELOPING THE ACTION PLAN

### Foundations

The project plan for the State's 2010 AI specifies that we identify impediments, develop recommendations, and prepare an action plan. The action plan for the State of Hawai'i was developed in consultation with HPHA and HHFDC staff. It is based on the findings of this report as well as the recent HPHA experience with issues related to fair housing impediments. The plan was designed to be: (1) feasible with respect to resources available and the constraints of the Law; (2) capable of addressing the most important impediments identified by the community, and (3) fully integrated into the responsibilities of the Fair Housing Officer.

The plan design was based on a set of responsibilities of Fair Housing Officers that were identified during the benchmark AI studies in 2003. Those included:

**Supply and Demand Issues:** A set of issues and responsibilities that concern the limited supply of housing units suited to target populations as an impediment to Fair Housing.

**Management, Coordination, and Standards Issues:** A set of issues and responsibilities that describe housing program rules and regulations that negatively impact clients or impede efforts at education and enforcement of the Fair Housing Law.

**Education Issues:** This set of issues and responsibilities is related to the need to educate people about the Fair Housing Law.

**Enforcement Issues:** These are issues and responsibilities that surround the enforcement of Fair Housing Law for each of the targeted subpopulations.

**Policy Development Issues:** These include a set of individual issues that are directly related to one or more of the previous classifications.

**Communications Issues:** These issues and responsibilities grow out of the Housing Officer's leadership role in AFFH.

### Reasonable Action Plan Elements

Action plans that target many impediments are not likely to be the most effective plans. In selecting elements for an action plan in 2010, the State of Hawai'i set the following objectives:

1. Select a manageable number of impediments that are:
  - a. perceived by the Statewide housing community to be important problems;
  - b. within the authority of HPHA or HHFDC;
  - c. feasible within current resource and time constraints, and
  - d. have definable, measurable outcomes.
2. Develop a feasible action plan with tasks, subtasks, and timelines for each item
3. Produce written, feasible, time-oriented objectives regarding each item
4. Develop measures of effectiveness that will gauge the success or failure of the plan

## VII. STATE OF HAWAI'I ACTION PLAN: 2010-2015

Below are several impediments for consideration by the State HPHA and HHFDC.

### Impediment One: Difficulty Understanding Fair Housing Laws, Rights and Resources

The AI study identified several factors that are related to impediment one:

- Applicants are not aware of their rights;
- Landlords are not aware of their responsibilities as defined by the Fair Housing laws;
- Advocacy groups and real estate professionals value the training and other education services provided under the Fair Housing community;
- With respect to structural impediments to Fair Housing, translation and interpreter services are in short supply and seriously impede access to fair housing.

The fair housing community<sup>14</sup> in Hawai'i generally subscribes to the idea that impediments to fair housing are of two types, those that stem from discrimination and those that stem from structural impediments to fair housing. Structural impediments include laws, rules and procedures that limit access to housing for the protected classes. With respect to discrimination, most members of the fair housing community believe that education and enforcement are needed and that education and training are the most effective ways to counter impediments to fair housing. With respect to structural impediments to fair housing, the community sees the need for increased attention, and vigorous efforts to remove barriers that may exist.

The study also shows that substantial resources are put into training and education each year. By 2010, most of the community feels that those efforts are sufficient for education and need some improvement in the area of enforcement. In either case, the agencies currently charged with those responsibilities stand ready to make the needed changes. HPHA, based on those findings, hearing the community's call for better performance, and after being involved in legal actions, recognizes the need and responsibility to address structural impediments.

When applied to discrimination issues, fair housing plans often focus on improving training and access to information. When applied to structural impediments the issues often include translations, interpreters, and other structural barriers to understanding rights and responsibilities under the law.

Thus, while acknowledging the importance of efforts to deliver education and training, and to improve enforcement of fair housing law, the HPHA chooses to focus its attention on providing much needed document translations and interpreter services for applicants and tenants of public housing projects. As the HHFDC generally assists in the development of affordable housing, it will step up its efforts to ensure that owners/property managers of such housing are knowledgeable of the fair housing laws and that their tenants have access to information on their rights under the law.

---

<sup>14</sup> We use the term "community" to refer to all persons involved with fair housing in Hawai'i, Fair Housing Officers, landlords and tenants, public and private sector operatives, members of and advocates for the protected classes, bankers, attorneys, insurance providers, and anyone else who is actively involved with fair housing law and practice in Hawai'i.

## **Impediment Two: Structural Impediments to Fair Housing**

This impediment is being considered in its broadest sense. Its range includes all aspects of the State's responsibility related to housing, in terms of the mandate to further fair housing.

The HPHA has recently been involved in substantial organizational change. Its position with the Hawai'i State Government has shifted, its internal organization has been revised, and there have been significant changes in personnel at the administrative level. Prior to the reorganization several legal actions were taken against the Authority that identified significant shortcomings in policies and procedures. Although it might be convenient to begin working on issues that come forward through legal channels, it seems a good time to take a step back and assess the broader list of issues that affect HPHA's pursuit of fair housing for its tenants.

Combining recent history with the results of the AI Study, HPHA has elected to address the structural impediments issue directly. The agency is proposing a formal assessment of its housing environment preparatory to developing detailed plans for improvement. The plan will be comprehensive in nature. Its limits will extend beyond fair housing issues to cover all regulations and requirements placed on HPHA in its role as the State's lead public housing agency. Its objective will be to review and organize all requirements on the agency, assess readiness to provide the needed services, and develop plans to address any shortcoming that might be identified. For now, the project will focus on public housing.

The project was not designed to ease up on efforts to maintain fair housing standards in Hawai'i. Many elements of the Hawai'i Public Housing Authority's PHA Plan contribute directly to affirmatively furthering fair housing and will continue to be a part of operations at State housing agencies. But for the 2010 Plan, HPHA will concentrate on the proposed project.

## **Impediment Three: Limited Supply of Reasonable Units for Target Population**

Among the significant barriers to fair housing, as identified in the expert interviews, was insufficient inventories of affordable housing units on each island, especially rental units. This is the result of multiple factors:

- Too few incentives for developers to build affordable units;
- Too few incentives for developing rental units; and
- Land use and zoning process which translate to higher development costs; and
- No policy to encourage developers to build units for disabled.

The State of Hawai'i has a finite housing market. Unlike housing markets on the Mainland where residents can reside in one county and commute to work full-time in another county, Hawai'i's location effectively eliminates that as an option for residents. Although there are some individuals who commute daily between islands, the rising cost of air transportation makes this increasingly problematic. Therefore, when the demand for housing units exceeds supply on each island, the price of the housing units increases.

The implications of a tight housing market for fair housing issues are significant. First, in times of rising prices, the availability of units at affordable prices becomes more limited and those that exist are typically farther from employment centers. The fewer the number of units available for sale or rent, the more buyers/renters a seller/landlord can select from. While not encouraging discrimination, a tight housing market allows the seller/landlord to "choose" who they will

sell/rent to, and to sell or rent for the highest offer – leaving fewer options for those at the lower economic strata.

The higher price of land and construction along with zoning practices make affordable housing developments less profitable, and therefore less desirable, for the private sector to undertake. In the past it was left to the State and Counties to develop affordable housing options for those households not directly served by the private sector. Since the 1990s, however, the State and Counties have moved away from the development business, opting instead to encourage private developers to finance affordable housing options as a part of the planning and permitting process for new housing projects. This process has been relatively slow in providing sufficient units to meet the needs of the underserved population.

While developer incentives and policies may take up two of the causes, there are many more causes contributing to the insufficient inventory of affordable housing in Hawai'i as a whole and in each County. Federal, State and County leaders, housing agencies, non-profits, developers and all entities involved in providing affordable rental housing units must come together to understand and develop meaningful strategies to address this impediment.

The State of Hawai'i, through the HHFDC, can facilitate and advocate for more affordable housing units overall and especially those that can meet the needs of individuals often challenged to find adequate housing that they can afford including lower-income households and persons with disabilities. Political leaders must understand the connection between adequate housing supply and fair housing and be prepared to support the efforts that can make more housing units a reality. The HHFDC must play a proactive role in raising awareness of the need for additional affordable housing units, including rentals.

## Action Plan

Previous plans to affirmatively further fair housing were focused on training and coordinating Fair Housing efforts across the State. The new emphasis in Hawai'i and at HPHA is on structural impediments to fair housing – problems with rules and regulations, procedures, and the condition of units that affect equal access to housing among the protected classes. The 2010 Fair Housing Action Plans that have resulted are shown in Figures 21 (HPHA) and 22 (HHFDC).

**Figure 21. HPHA Fair Housing Action Plan, 2010-2015**

<p><b>Impediment 1: Difficulty Understanding Fair Housing Laws, Rights, and Resources</b></p> <p>Action: Provide rent subsidy and public housing application and tenant forms in translations of Samoan, Chuukese, Tagalog, Ilocano, Chinese and Korean.</p> <p>Action: Offer, at no charge, interpreters to non-English speaking applicants and tenants prior to interviews and conferences.</p> <p><b>Impediment 2: Structural Impediments</b></p> <p>Action: Commission a comprehensive statewide assessment of HPHA managed properties for compliance with federal accessibility obligations, preparatory to development of a prioritized remedial agenda.</p> <p>Action: Update the Fair Housing Analysis of Impediments in 2015.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Figure 22. HHFDC Fair Housing Action Plan, 2010-2015**

**Impediment 1: Difficulty Understanding Fair Housing Laws, Rights, and Resources**

Action: Monitor owners of rental housing projects assisted by HHFDC to ensure fair housing responsibilities are understood and are being met.

Action: Provide fair housing training for HHFDC staff and private managers of HHFDC-owned rental housing properties.

Action: Promote fair housing awareness by posting fair housing information on HHFDC's website including direct links to the Hawai'i Civil Rights Commission, Legal Aid Society of Hawai'i, and U.S. Department of Housing and Urban Development Fair Housing/Equal Opportunity sites.

Measures of Effectiveness: Increased awareness of and compliance with fair housing laws.

**Impediment 2: Structural Impediments**

Action: Revise HHFDC organizational chart to consolidate fair housing planning and compliance functions.

Action: Review and, if needed, amend HHFDC administrative rules to ensure fair housing provisions are current.

Measures of Effectiveness: HHFDC programs promote fair housing choice.

**Impediment 3: Limited Supply of Reasonable Units for Targeted Population**

Action: Facilitate development and preservation of affordable housing units by providing financing and development tools and resources.

Measures of Effectiveness: Number of financing commitments; 201H development approvals; number of affordable units developed or preserved.

Action: Ensure that developers/property owners of housing projects assisted by HHFDC effectively market the availability of housing opportunities.

Measures of Effectiveness: Revise HHFDC "Consolidated Application" to collect and assess information on the developer who will affirmatively market the project.

## VIII. REFERENCES

- City of Boston. *Analysis of Impediments to Fair Housing Choice*. June 2010  
[http://www.cityofboston.gov/Images\\_Documents/Boston%20AI%20Press%20PDF%20Version\\_tcm3-16790.pdf](http://www.cityofboston.gov/Images_Documents/Boston%20AI%20Press%20PDF%20Version_tcm3-16790.pdf)
- City of Livermore. *Analysis of Impediments to Fair Housing*. December, 2002.
- City of Moscow Fair Housing Commission. *Analysis of Impediments to Fair Housing and Fair Housing Action Plan*. February 2003.
- City of Palo Alto, Department of Planning and Community Environment. *City of Palo Alto Analysis of Impediments to Fair Housing Choice*. July 2000.
- Code of Federal Regulations, Title 24 – Housing and Urban Development, Part 91 – Consolidated Submissions for Community Planning and Development Programs.
- The Economic Research Organization at the University of Hawai'i. Data Portal. 2010
- Fair Housing Act As Amended (Title VIII).
- Fair Housing Act, Hawai'i Revised Statutes, Chapter 515 (2009).
- Fair Housing Act of 1968, [42 U.S.C. §§ 3601-3631].
- Hawai'i Civil Rights Commission. Annual Report, annual, 1994 through 2010.
- Hawai'i Public Housing Authority. *Annual and Five-Year Plan Fiscal Years 2010-2014*. July 2009
- Hawai'i Public Housing Authority. *Annual and Five-Year Plan Fiscal Years 2011*. July 2010
- Housing and Community Development Corporation of Hawai'i. *Consolidated Annual Performance and Evaluation Report (CAPER)*. Honolulu, HI. (2005)
- Klein, J. Hawai'i Housing Options for Individuals with Disabilities: *Final Report to the Hawai'i State Council on Developmental Disabilities*. November 2002.
- Klein, J. Hawai'i Housing Options for Individuals with Disabilities: *Initial Report to the Hawai'i State Council on Developmental Disabilities*. March, 2002.
- Legal Aid Society of Hawai'i. (2004). *Fair Housing Rights & Responsibilities – A Guide for Landlords & Other Housing Providers* [Brochure]. Honolulu, HI
- Legal Aid Society of Hawai'i. (2005). *Fair Housing Guidelines for People with Disabilities* [Brochure]. Honolulu, HI.
- Legal Aid Society of Hawai'i. (2005). *Fair Housing Project* [Brochure]. Honolulu, HI.
- Montana Department of Commerce. *Analysis of Impediments*. February 2000.
- New Mexico Mortgage Finance Authority. *Fair Housing Choice: Research and Analysis of Impediments to Fair Housing in New Mexico*. March 2000.
- Section 504 of the Rehabilitation Act of 1973, Public Law 93-112 93rd Congress, H.R. 8070, §504
- State of Georgia. *Analysis of Impediments to Fair Housing Choice FFY2008-FFY2012*. August 2008.  
[http://www.dca.state.ga.us/housing/homeownership/programs/downloads/AI\\_2008\\_final081308.pdf](http://www.dca.state.ga.us/housing/homeownership/programs/downloads/AI_2008_final081308.pdf)

State of Minnesota . *Analysis of Impediments to Fair Housing: Fiscal Year 2001*. 2001.

U.S Census Bureau. 2000. *Census of Population and Housing, 2000*. Retrieved from <http://www.census.gov/prod/cen2000/>

U.S Census Bureau. 2009. *American Community Survey, 2006-2008*. Retrieved from <http://www.census.gov/acs/www/>

U.S Census Bureau. 2009. *American Community Survey, 2008*. Retrieved from <http://www.census.gov/acs/www/>

U.S. Department of Housing and Urban Development, Office of Policy Development and Research. *Discrimination in Metropolitan Housing Markets: Phase 2 – Asians and Pacific Islanders*. March 2003. Web. 15 September 2010. [http://www.huduser.org/portal/publications/hsgfin/hds\\_phase2.html](http://www.huduser.org/portal/publications/hsgfin/hds_phase2.html)

U.S. Department of Housing and Urban Development. *Fair Market Rents*. 15 September 2010. <http://www.huduser.org/portal/datasets/fmr.html>

U.S. Department of Housing and Urban Development, Office of Policy Development and Research. *Do We Know More Now? Trends In Public Knowledge, Support And Use Of Fair Housing Law*. February 2006. Web. 15 September 2010. <http://www.huduser.org/Publications/pdf/FairHousingSurveyReport.pdf>

U.S. Department of Housing and Urban Development, Office of Policy Development and Research. *How Much Do We Know?* April 2002. Web. 15 September 2010. <http://www.huduser.org/portal/publications/fairhsg/hmwk.html>

U.S. Department of Housing and Urban Development. *Housing Discrimination*. Web. 15 September 2010. [http://portal.hud.gov/portal/page/portal/HUD/topics/housing\\_discrimination](http://portal.hud.gov/portal/page/portal/HUD/topics/housing_discrimination)

U.S. Department of Housing and Urban Development's Fair Housing Information Clearinghouse. *Fair Housing Planning Guide*, vol. 1-2.

US Department of Justice. *ADA Standards for Accessible Design*. 24 CFR Part 36. Revised July 1994. Retrieved from <http://www.ada.gov/adastd94.pdf>.

Wagner, R. and O'Connell, M. *Summary of Regional Analysis of Impediments to Fair Housing*. May 2001.

## IX. APPENDIX

### APPENDIX A: KEY INFORMANT INTERVIEW PROTOCOL

#### Part I: Analysis of Impediments Project Call Scheduling Procedure

Purpose: Recruit and schedule phone calls or short meetings with people who know a lot about housing and Hawai'i's Fair Housing Laws.

Check the interview listings to see whether this one MUST be a personal interview. Otherwise they can all be phone calls or meetings, whichever the respondent prefers.

Start with: Good morning, I'm \_\_\_ from SMS and we're working on a project for the Hawai'i Public Housing Authority that involves Hawai'i's Fair Housing Law.

Look on the sheet to find out if the person has been claimed by one of the SMS executive interviewing staff. If so, start with:

(Name) wanted me to set up a time when he/she can call you (or get together) to talk about Housing. Would you be willing to do that?

#### Part II: Here are some FAQs:

Q: Who's doing this?

A: The project was commissioned by the Hawai'i Public Housing Authority.

Q: Didn't you guys do something like this a few years ago?

A: Yes, we did the benchmark survey in 2003.

Q: What's the project about?

A: The federal government (HUD) requires that a study be done every few years to measure whether the State and counties are making progress on eliminating impediments to the Fair Housing Law. It is focused on housing discrimination, problems in administering public housing, and anything that could be considered an impediment to getting access to housing in Hawai'i today.

Q: Is it just about government housing?

A: No, it covers any kind of housing in Hawai'i, accept military housing, of course.

Q: I don't know much about the housing law; do you think I'd be much help?

A: That's OK, not everyone on the list is an expert in the Fair Housing Law, but we know that you are familiar with housing and real estate issues in Hawai'i and wanted to chat with you about that.

#### Part III: Scheduling

Set appointments for visits or calls with a specific SMS executive interviewer at specific times and places. Make sure the time and place are convenient to the person we will be interviewing.

Send the detailed information to the interviewer.

Prepare a thank you note for the respondent and forward it to the interviewer.

**Impediments to Fair Housing Survey  
Interviewer Protocol, 2010**

These questions will get the interview started. We also expect that all of these issues are covered. However, the primary purpose of the interview is to get the informant to tell us impediments are at work in Hawai'i today and what might be done to promote Fair Housing.

1. How is your agency affiliated with housing in Hawai'i? What does your agency do?
2. Please describe your main job function with this agency:
3. How long have you been involved with housing in Hawai'i?
4. How familiar are you with the Fair Housing Law in Hawai'i?
5. Do you believe there are impediments to fair housing at work in Hawai'i today; issues that should be acted on right now?
6. Please list the impediments to fair housing that you believe should be acted on in Hawai'i:  
  
[Probe and follow-up diligently. List them all.]
7. What should be done right now to alleviate the most pressing impediments?  
  
[Probe and follow-up diligently. List them all.]
8. Do you think that training and education are needed? Do you think that enforcement is needed? Which one is more important, if either?
9. If you wanted to find out how well we were doing in terms of removing barriers to Fair Housing in Hawai'i, who would you ask? Where would you look?
10. If you had a client or friend who thought they were experiencing housing discrimination, where would you go for help for that client?
11. Do we have enough of the right kind of training for Fair Housing in Hawai'i today?
12. In the last 12 months, have you seen or heard any advertising for Fair Housing in Hawai'i?

Please provide your e-mail address so that once we collect everyone's ideas, we can send them to you for your review.

e-mail: \_\_\_\_\_

---

***Mahalo for your time and participation!***

## APPENDIX B: GLOSSARY OF TERMS

**Affirmatively Further Fair Housing (AFFH)** – Agencies involved in housing administration at all levels of government are required “to administer the programs and activities relating to housing and urban development in a manner to affirmatively further the policies” of the Fair Housing Act. The policies of fair housing are intended to put a stop to discrimination and to promote the integration of protected class members throughout the community. This means that governmental agencies that receive certain federal housing funds must review their policies and practices to determine their impact on housing access for protected class populations and to take affirmative steps to eliminate barriers to access.

**Analysis of Impediments (AI)** - The Analysis of Impediments (AI) to fair housing choice is required by all state and local units of government that receive certain federal funds from the U.S. Department of Housing and Urban Development (HUD), including Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds. The AI is a comprehensive review of a jurisdiction’s laws, regulations, administrative policies, procedures, and practices to determine how they affect the location, availability, and accessibility of housing. This includes an assessment of both public and private practices.

**Fair Housing** - Under the Federal Fair Housing Act (FHA), discrimination in the sale or rental of housing, or in the creation and implementation of housing policies and programs, on the basis of race, color, religion, sex, handicap/disability, familial status, or national origin is illegal. Fair housing means access to housing that is unrestricted by discrimination on these grounds.

**Impediments to Fair Housing Choice** – Any actions, omissions or decisions taken because of race, color, religion, gender, disability, familial status or national origin which restrict housing choices or the availability of housing choices; or any actions, omissions or decisions that have the effect of restricting housing choices on the basis of race, color, religion, gender, disability, familial status or national origin.

**Protected Class Members** - Fair housing laws provide protection from discrimination in housing for certain groups, generally referred to as "protected classes." These groups have been included in fair housing laws because individuals have been identified over time as having difficulties in obtaining housing due to their status as a member of one of these groups.

## APPENDIX C: PUBLIC AWARENESS SURVEY

Q.1 Hello, I'm \_\_\_\_\_ from SMS, a Hawai'i research company. We are conducting a survey about housing and housing issues in Hawai'i. May I speak to the head of the household 18 years or older?

- 1 Yes, I am 18 years or older
- 2 No, He/She is...
- 3 No: Terminate

Q.2 [REINTRODUCE] Hello, I'm \_\_\_\_\_ from SMS, a Hawai'i research company. We are conducting a survey about impediments to fair housing. I understand that you are the head of the household 18 years or older. [IF YES, ENTER (1) TO START]

- 1 Yes
- 2 No, no such person

Q.3 Please be advised that my supervisor may be taping or monitoring this conversation for internal quality control purposes

- 1 ENTER [1] TO CONTINUE

Q.4 I'm going to tell you about several decisions made by owners of rental apartment buildings. For each decision, I'd like your opinion about whether the owner should or should not be allowed to make that decision. I'd also like to know whether you think the decision is legal or not legal under federal law. If you're not sure, just say so.

Q.5 An apartment owner who rents to people of all age groups decides that families with younger children can only rent in one particular building, and not in others, because younger children tend to make lots of noise and may bother other tenants.

Q.6 Regardless of what the law says, do you think the owner of the apartments should be able to assign families with younger children to one particular apartment?

- 1 Yes
- 2 No
- 3 Don't know
- 4 REFUSED

Q.7 Under federal law, is it currently legal for an apartment building owner to assign families with younger children to one particular building?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't know
- 5 REFUSED

Q.8 Here's another situation. In checking references on an application to rent a home, a homeowner learns that an applicant does not have the best housekeeping habits; they do not always keep their current home neat or clean. The owner does not want to rent to such a person

Q.9 Regardless of what the law says, do you think the homeowner should be able to reject this applicant because of his/her housekeeping habits?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't know
- 5 REFUSED

Q.10 Under federal law, is it currently legal for a homeowner to reject the applicant because of housekeeping habits?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't know
- 5 REFUSED

Q.11 A homeowner is renting to a tenant who uses a wheelchair. The building is old and does not have a wheelchair ramp, and the tenant wants a small wooden ramp constructed at the building door to more easily access the building. He asks the owner if it is okay to build the ramp. The tenant says he will pay all the costs, and agrees to have the ramp removed at his own expense when he leaves. The owner, however, believes that such a ramp will not look good on his building, and decides he does not want it constructed on his property

Q.12 Regardless of what the law says, do you think the homeowner should be able to decide not to allow a wheelchair ramp to be constructed on the owner's property?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't know
- 5 REFUSED

Q.13 Under federal law, is it currently legal for a homeowner to decide not to allow a wheelchair ramp to be constructed on the owner's property?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.14 A homeowner places a notice on a community bulletin board to find a tenant for a vacant apartment. The notice says "Christians preferred."

Q.15 Regardless of what the law says, do you think the homeowner should be able to advertise an available apartment using the phrase "Christians preferred."

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.16 Under federal law, is it currently legal for a homeowner to indicate a preference based on religion in advertising an available unit?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.17 In checking references on an application for rental unit, a homeowner learns that the applicant has a history of mental illness. Although the applicant is not a danger to anyone, the owner does not want to rent to such a person.

Q.18 Regardless of what the law says, do you think the homeowner should be able to reject this application because of the applicant's mental illness?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.19 Under federal law, is it currently legal for a homeowner to reject this application because of the applicant's mental illness?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.20 An apartment owner learns that an applicant for a vacant unit has a different religion than all the other tenants in the building. Believing that other tenants would object, the owner does not want to rent to such a person.

Q.21 Regardless of what the law says, do you think the apartment owner should be able to reject this application because of the applicant's religion?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.22 Under federal law, is it currently legal for an apartment owner to reject this application because of the applicant's religion?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.23 The next question involves a family selling their house through a real estate agent. They are Caucasian, and have only Caucasian neighbors. Some of the neighbors tell the family that, if a non-Caucasian person buys the house, there would be trouble for that buyer. Not wanting to make it difficult for a buyer, the family tells the real estate agent they will sell their house only to a white buyer.

Q.24 Regardless of what the law says, do you think the homeowner should be able to sell their house to a Caucasian buyer?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.25 Under federal law, is it currently legal for the family to sell their house only to a Caucasian buyer?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.26 Take another situation. A Caucasian family looking to buy a house goes to a real estate agent and asks about the availability of houses within their price range. Assuming the family would only want to buy in areas where white people live, the agent decides to show them only houses in all-white neighborhoods, even though there are many houses in their price range that are in other parts of the community

Q.27 Regardless of what the law says, should the real estate agent be able to decide to focus the home search on all-Caucasian areas?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.28 Under federal law, is it currently legal for a real estate agent to decide to focus the home search on all-Caucasian areas?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.29 Here's another situation: A Hawaiian person applies to a bank for a home mortgage. He does not have a steady job or enough income to pay a monthly mortgage payment. When the applicant did work, the job did not pay very much. Because of the lack of a steady job and insufficient income, the loan officer decides not to give this person a mortgage.

Q.30 Regardless of what the law says, do you think the loan officer should be able to turn down the Hawaiian applicant because of the applicant's lack of a steady job and income?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.31 Under federal law, is it currently legal for the loan officer to turn down the Hawaiian applicant because of the applicant's lack of steady job and income?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.32 A Samoan family goes to a bank to apply for a home mortgage. The family qualifies for a mortgage but, in the bank's experience, Samoan borrowers have been less likely than others to repay loans. For that reason, the loan officer requires that the family make a higher down payment than would be required of other borrowers before agreeing to give the mortgage.

Q.33 Regardless of what the law says, do you think the loan officer should be able to require higher down payments by Samoan families in order to get a mortgage?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.34 Under federal law, is it currently legal for the loan officer to require higher down payments from Samoan families in order to get a mortgage?

- 1 Yes
- 2 No
- 3 Depends
- 4 Don't Know
- 5 REFUSED

Q.35 Do you think you have ever been discriminated against when you were trying to buy or rent a house or apartment?

- 1 Yes
- 2 No
- 3 Have not tried to buy or rent a house or apartment
- 4 Don't know
- 5 REFUSED

Q.36 How many times in the last five years were you discriminated against while trying to buy or rent a house or apartment?

- 1 0
- 2 1
- 3 2
- 4 3
- 5 4 TO 5
- 6 6 to 10
- 7 more than 10
- 8 [HAVE NOT TRIED TO BUY OR RENT APARTMENT IN LAST 5 YEARS]
- 9 DON'T KNOW/REFUSED

Q.37 Did you do anything about it?

- 1 Yes
- 2 No
- 3 Don't know
- 4 REFUSED

Q.38 What did you do about it? Did you...[READ ANSWERS]

- 1 Complain to the person who was discriminating
- 2 Complain to someone else
- 3 File a complaint
- 4 File a lawsuit
- 5 Sought help from a fair housing group or other organization
- 6 Something else
- 7 DON'T KNOW
- 8 REFUSED

Q.39 Please specify

---

---

Q.40 Why did you not do anything about it?

---

---

Q.41 Suppose you believed you were being discriminated against when you went to buy or rent a house or apartment. What do you think you would do? Would you...[READ LIST]

- 1 Do nothing
- 2 Complain to the person who was discriminating
- 3 Complain to someone else
- 4 File a complaint with a government agency
- 5 Talk to a lawyer
- 6 File a lawsuit
- 7 Seek help from a fair housing group or other organization
- 8 Something else
- 9 DON'T KNOW
- 0 REFUSED

Q.42 Please specify

---

---

Q.43 Suppose there's a community-wide vote on housing issues, and there are two possible laws to vote on. One law says that homeowners can decide for themselves whom to sell their house to, even if they prefer not to sell to people of a certain race, religion, or nationality. Another law says that homeowners cannot refuse to sell to someone else because of their race, religion, or nationality. Which law would you vote for?

- 1 Can decide whom to sell
- 2 Cannot refuse
- 3 Neither
- 4 Depends
- 5 Don't know
- 6 REFUSED

Q.44 Have you heard or seen advertising about housing impediments in the last three months?

- 1 Yes
- 2 No
- 3 DON'T KNOW/REFUSED

Q.45 Where did you see or hear the advertising pertaining to fair housing law?

- 1 Newspaper
- 2 Magazines
- 3 Radio
- 4 Television
- 5 Other
- 6 DON'T KNOW/REFUSED

Q.46 We have a few census type questions for classification purposes

Q.47 What is your age?

- 1 18-24
- 2 25-34
- 3 35-44
- 4 45-54
- 5 55-64
- 6 65 and over
- 7 DON'T KNOW/REFUSED

Q.48 How many people live in your household?

- 1 1
- 2 2
- 3 3
- 4 4
- 5 5
- 6 6
- 7 7
- 8 8 or more
- 9 DON'T KNOW/REFUSED

Q.49 Do you own or rent your home or apartment?

- 1 Own
- 2 Rent
- 3 Occupy with no payment
- 4 DON'T KNOW/REFUSED

Q.50 How many bedrooms is your house or apartment?

- 1 Studio
- 2 1 bedroom
- 3 2 bedrooms
- 4 3 bedrooms
- 5 4 bedrooms
- 6 5 or more bedrooms
- 7 DON'T KNOW/REFUSED

Q.51 What is your employment status?

- 1 Employed full time [35+ hours/week]
- 2 Employed part time
- 3 Unemployed
- 4 Student
- 5 Housewife
- 6 Retired
- 7 DON'T KNOW/REFUSED

Q.52 What is your ethnicity?

- 1 Caucasian
- 2 Chinese
- 3 Filipino
- 4 Hawaiian / Part-Hawaiian
- 5 Japanese
- 6 Other Asian
- 7 Other Pacific Islander
- 8 Other

Q.53 Please specify

---

---

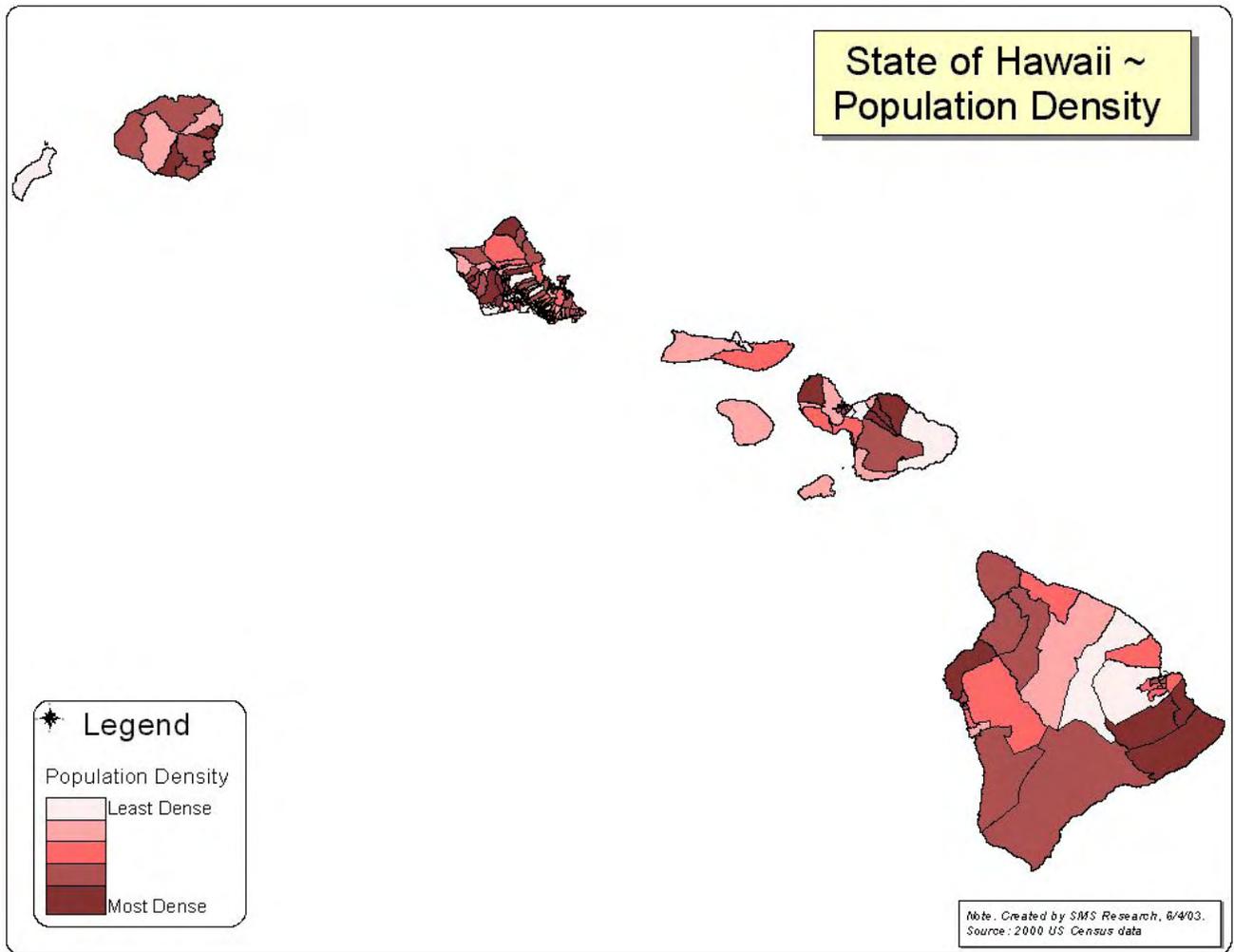
Q.54 What was your household income last year, before taxes?

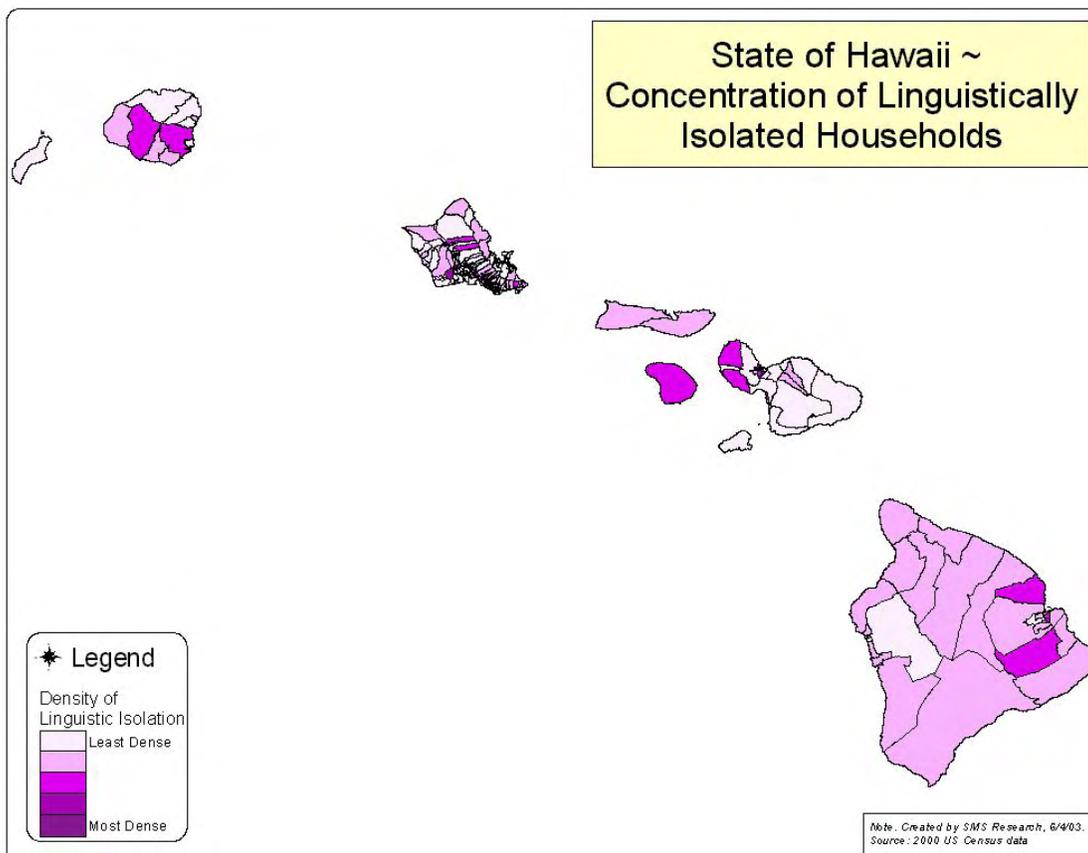
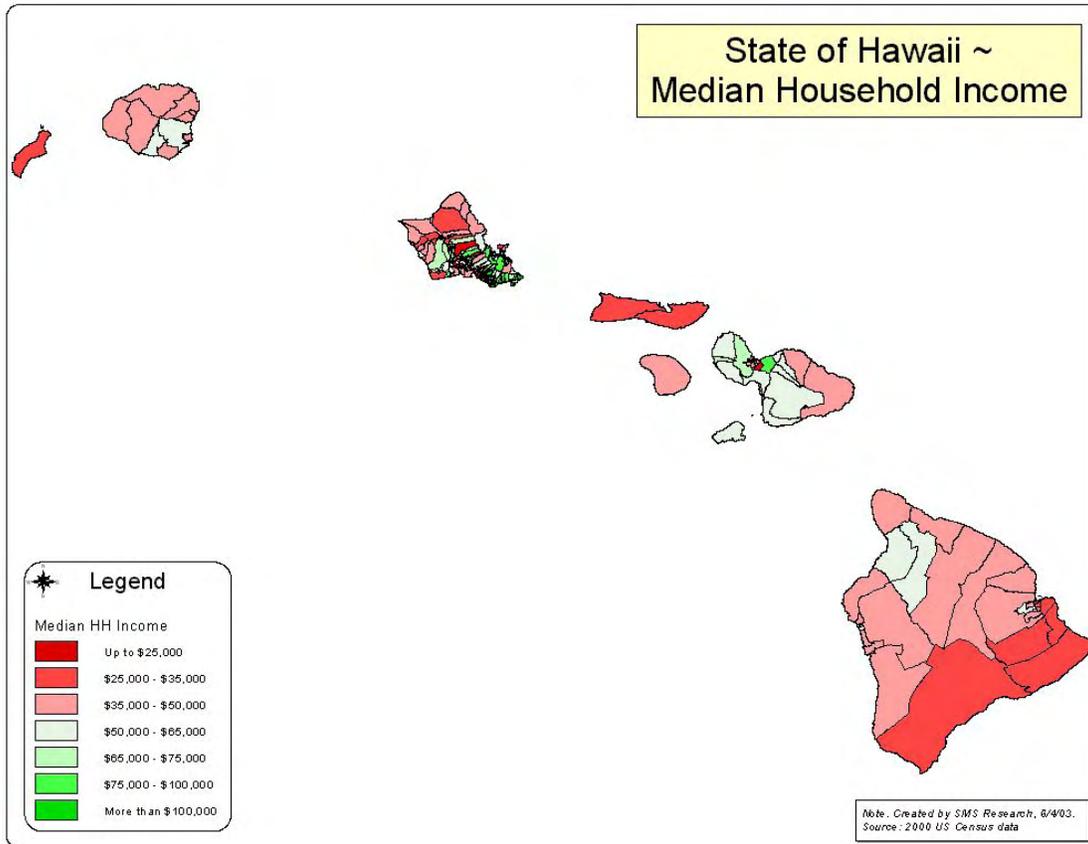
- 1 less than \$20,000
- 2 \$20,000 to \$29,999
- 3 \$30,000 to \$39,999
- 4 \$40,000 to \$49,000
- 5 \$50,000 to \$74,999
- 6 \$75,000 to \$99,999
- 7 \$100,000 to \$149,999
- 8 \$150,000 or more
- 9 DON'T NOW/REFUSED

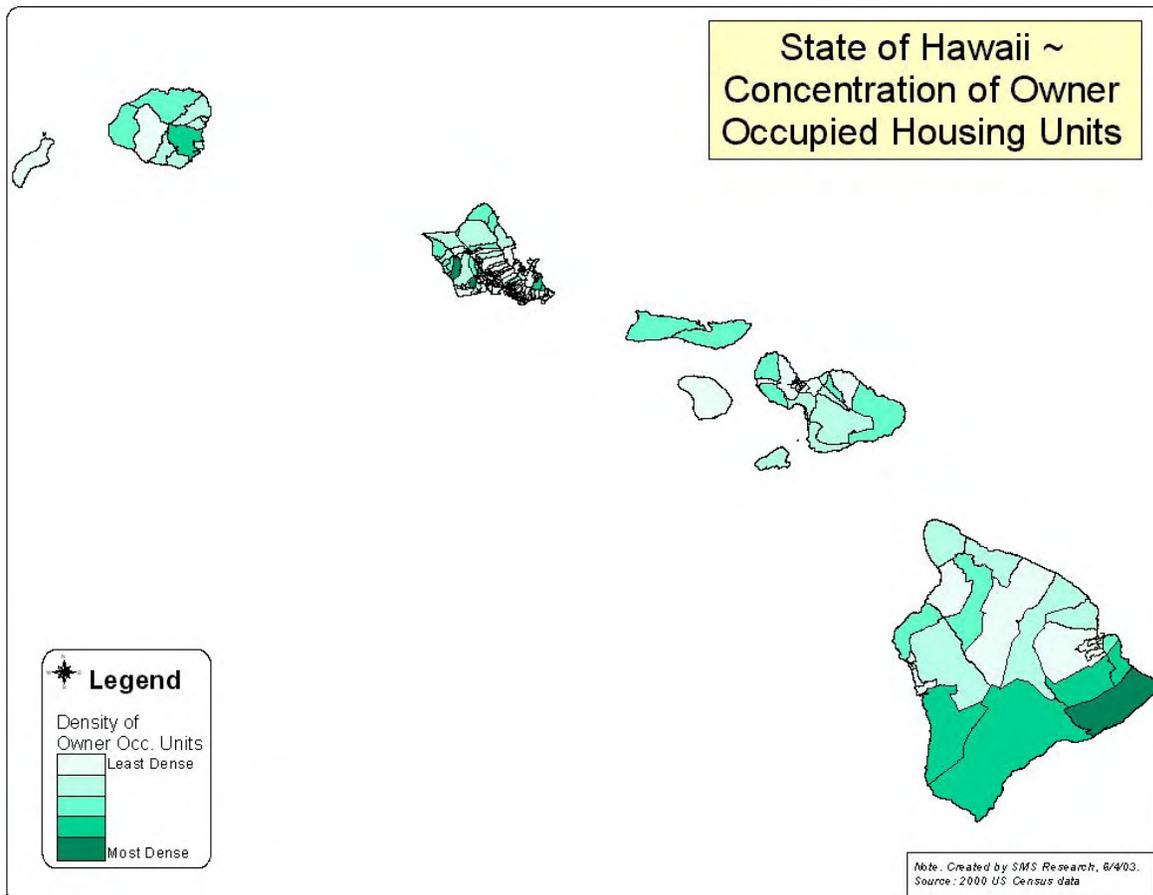
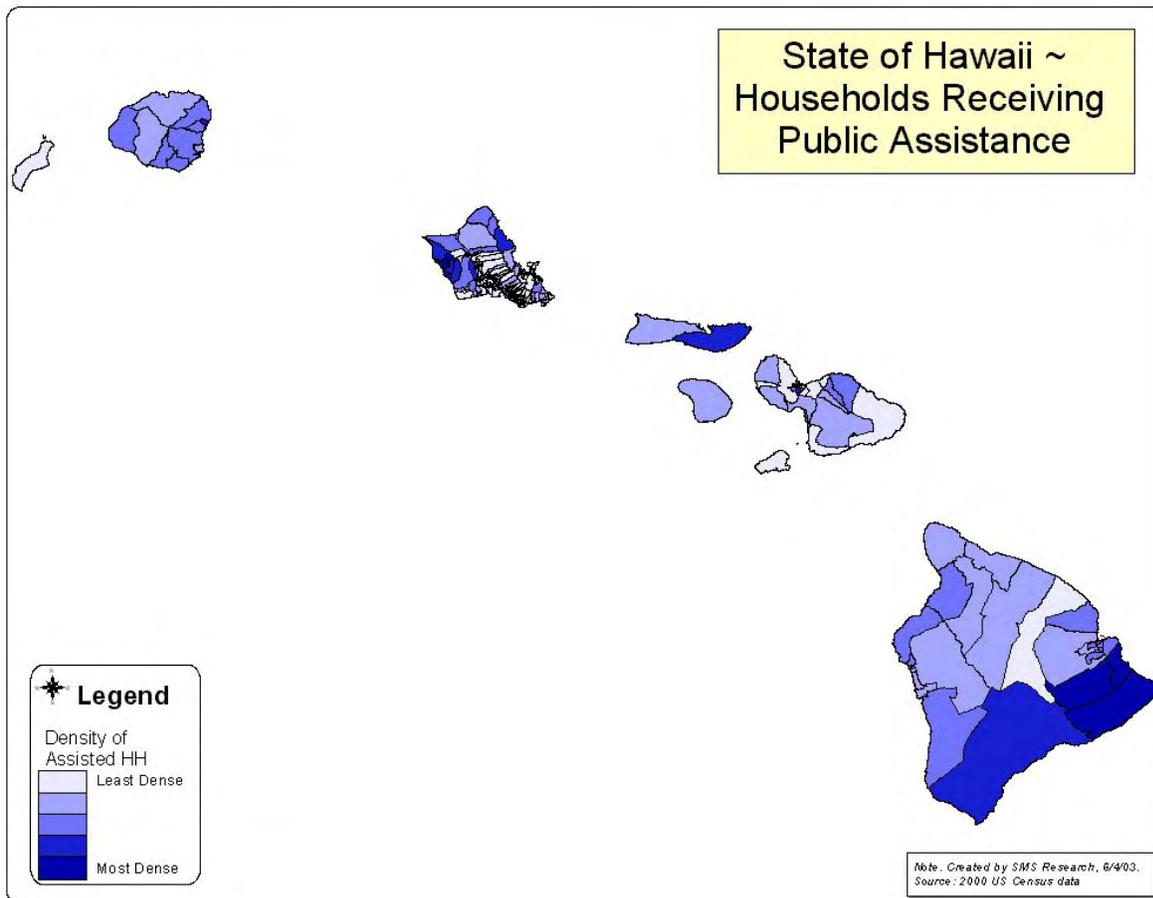
Q.55 RECORD GENDER [DO NOT ASK]

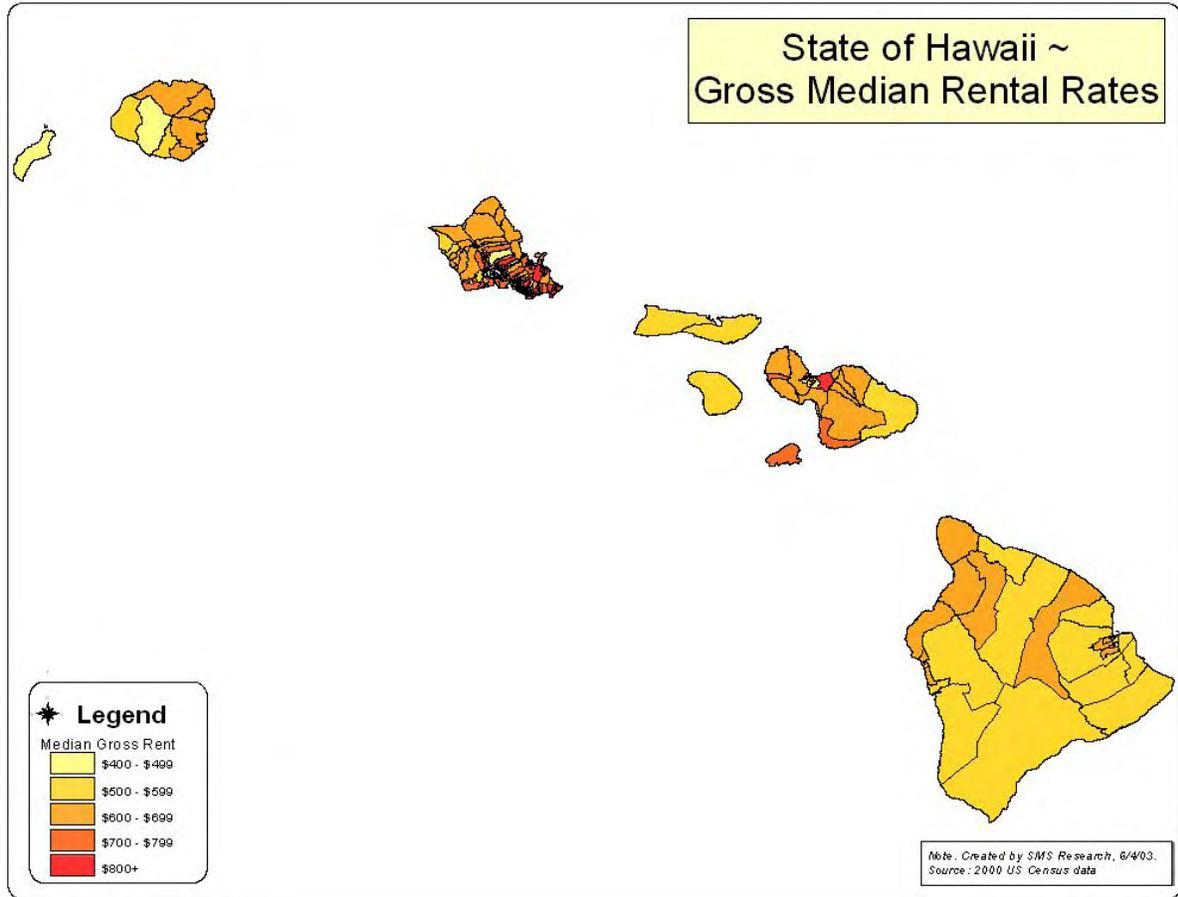
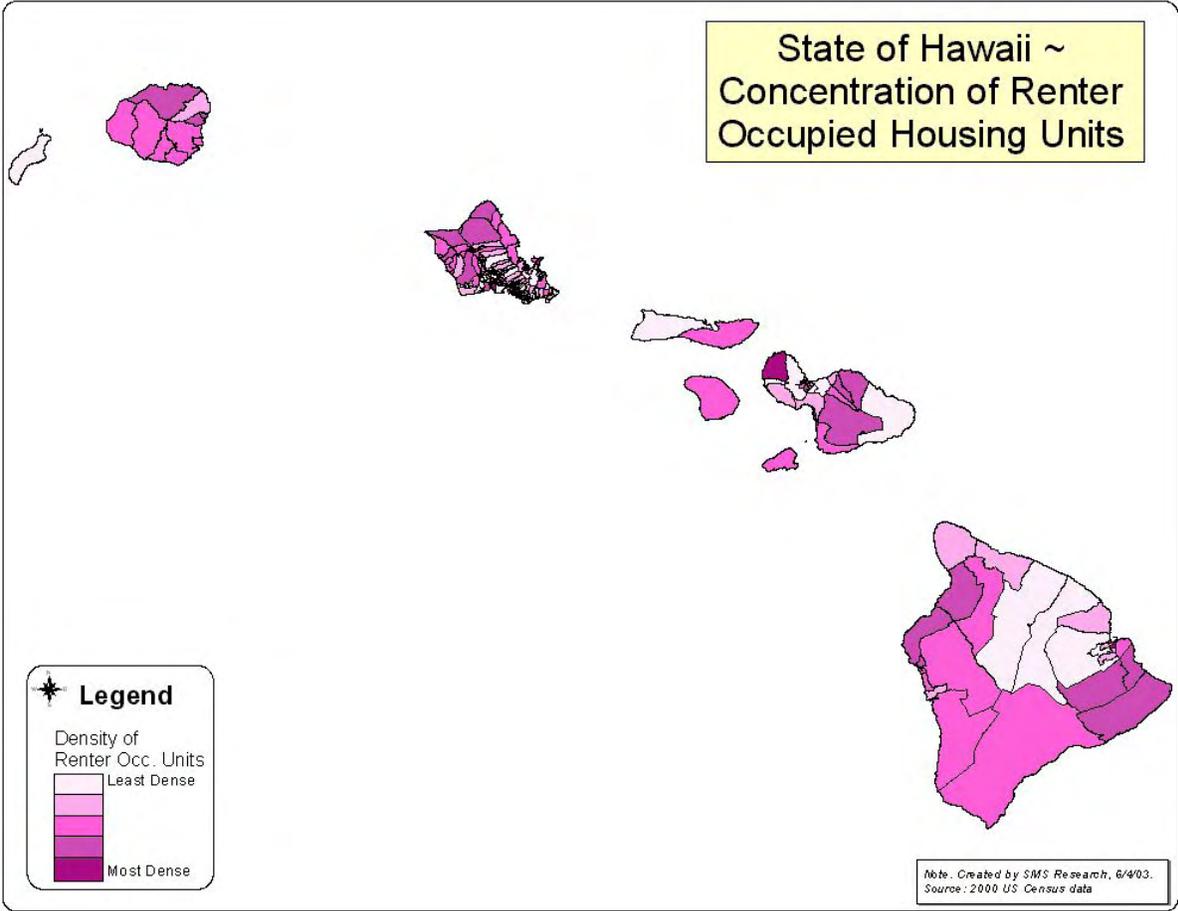
- 1 Male
- 2 Female

APPENDIX D: DEMOGRAPHIC AND HOUSING MARKET MAPS









## APPENDIX E: HAWAI'I CIVIL RIGHTS COMMISSION CASELOAD, 1999-2010

Year	1999-2002			2003-2010			Percent Change
	Total	avg/yr	pct	Total	avg/yr	pct	
Contacts	15,297	3,824	100%	45,868	9,174	100%	140%
no intake	11,467	2,867	75%	42,166	8,433	92%	194%
intakes	3,830	958	25%	4,684	781	10%	-18%
No Charges Made	1,240	310		919	153		-51%
Charges Filed	2,590	648	100%	3,765	628	100%	-3%
EEOC	2,253	563	87%	3,288	548	87%	-3%
public accommodations	177	44	7%	168	28	4%	-36%
housing	141	35	5%	292	49	8%	40%
State-funded services	19	5	1%	17	3	0%	-40%
Housing intake detail	141	35	100%	292	49	100%	38%
age	2	1	1%	10	2	3%	233%
ancestry	17	4	12%	35	6	12%	37%
color	3	1	2%	6	1	2%	33%
disability	50	13	35%	107	18	37%	43%
familial	18	5	13%	27	5	9%	0%
marital	9	2	6%	10	2	3%	-26%
race	19	5	13%	43	7	15%	51%
religion	0	0	0%	6	1	2%	-
retaliation	16	4	11%	29	5	10%	21%
sex	6	2	4%	16	3	5%	78%
other	1	0	1%	3	1	1%	100%
New Cases							
Closures	1,982	496	100%	2,313	397	100%	-20%
EEOC	1,602	401	81%	1,922	320	83%	-20%
public accommodations	189	47	10%	163	27	7%	-43%
housing	171	43	9%	284	47	12%	9%
State-funded services	21	5	1%	12	2	1%	-60%
Cause Determinations	112	28	100%	181	30	100%	8%
Geographic dist of all changes	2,558	640	100%	3,079	616	100%	-4%
Hawai'i	300	75	12%	358	72	12%	-5%
Honolulu	1,885	471	74%	2,276	455	74%	-3%
Kaua'i	100	25	4%	135	27	4%	8%
Maui	273	68	11%	310	62	10%	-9%

**APPENDIX F: HUD COMPLAINT CASELOAD, 2000-2010 YTD**

	Color		Disability		Family Status		Harrassment		National Origin		Other Origin		Race	
	Count	Col %	Count	Col %	Count	Col %	Count	Col %	Count	Col %	Count	Col %	Count	Col %
<b>County</b>														
Honolulu	9	60.0%	184	68.7%	52	59.8%	9	64.3%	9	64.3%	43	74.1%	78	70.3%
Maui	2	13.3%	33	12.3%	10	11.5%	2	14.3%			7	12.1%	11	9.9%
Hawaii	4	26.7%	42	15.7%	14	16.1%	1	7.1%	4	28.6%	6	10.3%	18	16.2%
Kauai			9	3.4%	11	12.6%	2	14.3%	1	7.1%	2	3.4%	4	3.6%
<b>Year</b>														
2000			23	8.6%	7	8.0%			2	14.3%	1	1.7%	4	3.6%
2001	1	6.7%	13	4.9%	7	8.0%			2	14.3%	1	1.7%	6	5.4%
2002	2	13.3%	29	10.8%	6	6.9%					6	10.3%	13	11.7%
2003	1	6.7%	22	8.2%	4	4.6%	3	21.4%	1	7.1%	3	5.2%	12	10.8%
2004	2	13.3%	26	9.7%	6	6.9%	1	7.1%			8	13.8%	19	17.1%
2005	4	26.7%	26	9.7%	11	12.6%	1	7.1%	1	7.1%	11	19.0%	9	8.1%
2006	3	20.0%	32	11.9%	8	9.2%	2	14.3%	2	14.3%	10	17.2%	16	14.4%
2007	1	6.7%	24	9.0%	7	8.0%	4	28.6%			11	19.0%	12	10.8%
2008			30	11.2%	17	19.5%	1	7.1%	1	7.1%	3	5.2%	9	8.1%
2009			24	9.0%	13	14.9%	2	14.3%	4	28.6%	2	3.4%	6	5.4%
2010	1	6.7%	19	7.1%	1	1.1%			1	7.1%	2	3.4%	5	4.5%
<b>Disposition</b>														
Complainant failed to cooperate			6	2.2%					2	14.3%	4	6.9%	3	2.7%
Complaint withdrawn by complainant after resolution			32	11.9%	7	8.0%			2	14.3%	4	6.9%	9	8.1%
Complaint withdrawn by complainant without resolution	1	6.7%	22	8.2%	4	4.6%					6	10.3%	8	7.2%
Conciliation/settlement successful	3	20.0%	56	20.9%	36	41.4%	5	35.7%			14	24.1%	17	15.3%
Dismissed for lack of jurisdiction			4	1.5%									2	1.8%
FHAP judicial consent order			6	2.2%	2	2.3%					1	1.7%	2	1.8%
FHAP judicial dismissal			1	0.4%	1	1.1%	1	7.1%					1	0.9%
Litigation ended - discrimination found			2	0.7%	1	1.1%								
No cause determination	10	66.7%	115	42.9%	27	31.0%	7	50.0%	9	64.3%	28	48.3%	67	60.4%
Unable to identify respondent					3	3.4%								
Closed because trial has begun			1	0.4%										
Not Closed	1	6.7%	23	8.6%	6	6.9%	1	7.1%	1	7.1%	1	1.7%	2	1.8%
Median Number of Days to Resolve		107		139		157		111		155.5		105		127
<b>Total</b>	15	100.0%	268	100.0%	87	100.0%	14	100.0%	14	100.0%	58	100.0%	111	100.0%

	Religion		Retaliation		Sex		Unspecified Issue		Harrasment or Retaliation		Race, Ethnicity, Skin Color, or National Origin		Total	
	Count	Col %	Count	Col %	Count	Col %	Count	Col %	Count	Col %	Count	Col %	Count	Col %
County														
Honolulu	9	64.3%	63	80.8%	44	81.5%	11	78.6%	67	77.9%	108	70.6%	369	68.8%
Maui	3	21.4%	7	9.0%	3	5.6%	3	21.4%	9	10.5%	16	10.5%	62	11.6%
Hawaii	2	14.3%	6	7.7%	6	11.1%			6	7.0%	24	15.7%	80	14.9%
Kauai			2	2.6%	1	1.9%			4	4.7%	5	3.3%	25	4.7%
Year														
2000			2	2.6%	1	1.9%	3	21.4%	2	2.3%	6	3.9%	38	7.1%
2001			5	6.4%	2	3.7%			5	5.8%	8	5.2%	29	5.4%
2002			9	11.5%	9	16.7%	5	35.7%	9	10.5%	16	10.5%	56	10.4%
2003	2	14.3%	8	10.3%	6	11.1%			11	12.8%	15	9.8%	45	8.4%
2004	3	21.4%	5	6.4%	4	7.4%	1	7.1%	6	7.0%	22	14.4%	55	10.3%
2005	1	7.1%	6	7.7%	6	11.1%			6	7.0%	17	11.1%	53	9.9%
2006	4	28.6%	10	12.8%	10	18.5%			11	12.8%	22	14.4%	63	11.8%
2007	1	7.1%	8	10.3%	6	11.1%	1	7.1%	9	10.5%	20	13.1%	56	10.4%
2008	1	7.1%	10	12.8%	7	13.0%	2	14.3%	11	12.8%	11	7.2%	64	11.9%
2009	1	7.1%	10	12.8%	2	3.7%	2	14.3%	11	12.8%	10	6.5%	49	9.1%
2010	1	7.1%	5	6.4%	1	1.9%			5	5.8%	6	3.9%	28	5.2%
Disposition														
Complainant failed to cooperate	1	7.1%	1	1.3%					1	1.2%	6	3.9%	11	2.1%
Complaint withdrawn by complainant after resolution	1	7.1%	11	14.1%	3	5.6%	1	7.1%	11	12.8%	12	7.8%	54	10.1%
Complaint withdrawn by complainant without resolution	1	7.1%	8	10.3%	4	7.4%	1	7.1%	8	9.3%	11	7.2%	38	7.1%
Conciliation/settlement successful	4	28.6%	14	17.9%	21	38.9%	3	21.4%	18	20.9%	28	18.3%	127	23.7%
Dismissed for lack of jurisdiction			1	1.3%					1	1.2%	2	1.3%	7	1.3%
FHAP judicial consent order			2	2.6%					2	2.3%	2	1.3%	9	1.7%
FHAP judicial dismissal			1	1.3%	1	1.9%			1	1.2%	1	0.7%	4	0.7%
Litigation ended - discrimination found													3	0.6%
No cause determination	7	50.0%	36	46.2%	20	37.0%	7	50.0%	39	45.3%	88	57.5%	238	44.4%
Unable to identify respondent													3	0.6%
Closed because trial has begun													1	0.2%
Not Closed			4	5.1%	5	9.3%	2	14.3%	5	5.8%	3	2.0%	41	7.6%
Median Number of Days to Resolve	100		129		150		285		128		111		138	
<i>Total</i>	14	100.0%	78	100.0%	54	100.0%	14	100.0%	86	100.0%	153	100.0%	536	100.0%

**Table 7. Basis of Housing Complaints by Year, HUD, 2000-2010**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Disability	60.5%	44.8%	51.8%	48.9%	47.3%	49.1%	50.8%	42.9%	46.9%	49.0%	67.9%	<b>50.0%</b>
Race/Religion	18.4%	34.5%	37.5%	42.2%	58.2%	49.1%	55.6%	44.6%	21.9%	26.5%	35.7%	<b>39.6%</b>
Family Status	18.4%	24.1%	10.7%	8.9%	10.9%	20.8%	12.7%	12.5%	26.6%	26.5%	3.6%	<b>16.2%</b>
Retaliation	5.3%	17.2%	16.1%	17.8%	9.1%	11.3%	15.9%	14.3%	15.6%	20.4%	17.9%	<b>14.6%</b>
Gender/Harassment	2.6%	6.9%	16.1%	20.0%	9.1%	13.2%	19.0%	17.9%	12.5%	8.2%	3.6%	<b>12.7%</b>
Unspecified Issue	7.9%	0.0%	8.9%	0.0%	1.8%	0.0%	0.0%	1.8%	3.1%	4.1%	0.0%	<b>2.6%</b>
<b>Total Complaints</b>	<b>38</b>	<b>29</b>	<b>56</b>	<b>45</b>	<b>55</b>	<b>53</b>	<b>63</b>	<b>56</b>	<b>64</b>	<b>49</b>	<b>28</b>	<b>536</b>

**Table 8. Detailed Disposition of Housing Cases By Year, HUD, 2000-2010**

		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
<b>Resolved</b>	Conciliation/settlement successful	18.4%	10.3%	23.2%	24.4%	21.8%	32.1%	20.6%	25.0%	39.1%	22.4%	3.6%	<b>23.7%</b>
	Complaint withdrawn after resolution	2.6%	20.7%	10.7%	6.7%	14.5%	1.9%	12.7%	17.9%	9.4%	6.1%	7.1%	<b>10.1%</b>
	FHAP judicial consent order	5.3%	3.4%	1.8%	4.4%	1.8%	0.0%	3.2%	0.0%	0.0%	0.0%	0.0%	<b>1.7%</b>
	Litigation ended - discrimination found	0.0%	0.0%	1.8%	2.2%	0.0%	0.0%	1.6%	0.0%	0.0%	0.0%	0.0%	<b>0.6%</b>
<b>Withdrawn</b>	Complainant failed to cooperate	0.0%	3.4%	0.0%	2.2%	3.6%	0.0%	1.6%	5.4%	1.6%	2.0%	3.6%	<b>2.1%</b>
	Complaint withdrawn without resolution	5.3%	6.9%	10.7%	8.9%	9.1%	5.7%	7.9%	3.6%	9.4%	6.1%	0.0%	<b>7.1%</b>
	Unable to identify respondent	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	3.1%	2.0%	0.0%	<b>0.6%</b>
<b>Unable to Process</b>	Dismissed for lack of jurisdiction	2.6%	0.0%	1.8%	2.2%	0.0%	0.0%	0.0%	1.8%	1.6%	2.0%	3.6%	<b>1.3%</b>
	FHAP judicial dismissal	0.0%	6.9%	1.8%	0.0%	0.0%	0.0%	0.0%	1.8%	0.0%	0.0%	0.0%	<b>0.7%</b>
	No cause determination	63.2%	48.3%	48.2%	46.7%	47.3%	56.6%	44.4%	44.6%	32.8%	38.8%	10.7%	<b>44.4%</b>
<b>In Process</b>	Closed because trial has begun	0.0%	0.0%	0.0%	0.0%	1.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	<b>0.2%</b>
	Not Closed	2.6%	0.0%	0.0%	2.2%	0.0%	3.8%	7.9%	0.0%	3.1%	20.4%	71.4%	<b>7.6%</b>
<b>Table Total</b>		<b>38</b>	<b>29</b>	<b>56</b>	<b>45</b>	<b>55</b>	<b>53</b>	<b>63</b>	<b>56</b>	<b>64</b>	<b>49</b>	<b>28</b>	<b>536</b>