

Analysis of Impediments to Fair Housing: Phase 1 Report

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Prepared for:
The Kauai County Housing Agency

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Preface

This report was solicited from staff at the University of Hawai‘i at Mānoa to fulfill the requirement of the Department of Housing and Urban Development (HUD) that all agencies receiving federal housing funds conduct an Analysis of Impediments to Fair Housing every five years. This report was commissioned by and its scope pertains to the following agencies: The Hawaii Public Housing Authority (HPHA); The Department of Human Services’ Benefits, Employment and Support Services Division (DHS-BESSD); The Department of Hawaiian Home Lands (DHHL); The Hawai‘i Housing Finance and Development Corporation (HHFDC); The City and County of Honolulu’s Department of Community Services (DCS); The County of Hawai‘i’s Office of Housing and Community Development (OHCD); The County of Maui’s Department of Housing and Human Concerns (DHHC); The Kauai County Housing Agency (KCHA).

Based on consultation with HUD representatives, this report focuses on two primary impediments: 1) agency staff knowledge of fair housing law; 2) the degree to which agency policies and procedures (legal, regulatory, and administrative) align with fair housing law and affirmatively promote equal access to housing for all Hawai‘i’s residents.

Given the tight timeline of this report (commissioned per MOA on October 1, 2019), it will be limited to the issues indicated above. A follow up report, scheduled for completion December 2020, will take a wider view of the Hawai‘i’s fair housing issues, engaging stakeholders across the state and conducting targeted analyses designed to help agencies further their goals of promoting equal opportunity.

All the authors would like to thank each of the agencies involved in this process for their assistance in the preparation of this report. Your dedication to fair housing and the well-being of your clients, often in the face of severe resource constraints, is truly inspiring.

Introduction: About the Fair Housing Act and the Analysis of Impediments Report

The Fair Housing Act was signed into law by President Lyndon Johnson. Encompassing Title VIII through Title IX of the Civil Rights Act of 1968, it explicitly outlawed discrimination based on religion, race, color, and national origin as it relates to the rental, sale, or financing of housing. In 1974, discrimination based on sex also became illegal and has since come to encompass protection against sexual harassment. The Fair Housing Amendments Act was signed in 1988 and was implemented in March of the following year. This amendment added persons with disabilities and mandated accessibility features for multi-family residences of four or more units built for occupancy on or after March 13, 1991. Families with children also became a protected class, with protection extending to pregnant women.

Today, the Fair Housing Act (FHA) prohibits housing discrimination on the basis of the following protected classes:

- Race
- Color (including ethnic background)
- Ancestry or National Origin
- Religion
- Sex (including protections for victims of domestic violence and gender performance)
- Familial Status (including family composition, pregnancy, and the presence of children)
- Disability (both physical and mental)

The State of Hawaii additionally prohibits discrimination based on:

- Marital status
- HIV status
- Sexual Orientation (including transgender)
- Age

The Fair Housing Act has three objectives. The first goal concerns equal opportunity and access to housing. Second, the Act seeks to remedy discriminatory practices in mortgage lending and property appraisal. And third, it seeks to eliminate preferential treatment as well as threats to all individuals' fair housing rights. While designed to cover all forms of housing, there are few situations in which a person or group might be exempt from the Act, such as 1) owner-occupied homes with no more than four units, 2) rentals or sales of single-family homes without a broker, and 3) private clubs or organizations that require membership.

The Fair Housing Act covers not only direct incidents of discrimination (such as a property manager refusing to rent to a particular racial group) but also policies and procedures that may have a *disparate impact* on a particular group. In other words, even if a policy is not written as discriminatory, it can still be in violation of the FHA if it has a disproportionate impact on a protected class. As with all FHA rules, this applies to both private firms and government agencies. To make a disparate impact claim, a plaintiff must show that a particular policy 1) has a causal effect that disadvantages a protected class; 2) does not serve any necessary business purpose that could not be achieved in a different manner.

In 1994, President Clinton issued Executive Order No. 12892 that affirmed the Secretary of Housing and Urban Development as the primary authority on leading fair housing initiatives and

established the Secretary as the chair of the President's Fair Housing Council. This council reviews existing programs and designs new ones to promote the advancement of fair housing activities.

The Department of Housing and Urban Development (HUD) is tasked with enforcement of the Fair Housing Act. Victims of unlawful discrimination may seek reparations by filing complaints with the Secretary of HUD within 180 days of the incident. Remediation may also be sought by filing a lawsuit in state or federal court. When a violation has been established, redress may come in the form of compensatory damages, charges for corrective action, as well as awards for punitive damages and/or civil penalties.

The Fair Housing Review Criteria was established in 1988 by HUD. It includes the regulatory framework for an Analysis of Impediments to Fair Housing in both the private and public sectors. The analysis includes four components. First is a comprehensive review of jurisdictional laws, administrative policies, procedures, and practices for states or entitlements. Then an assessment of housing availability and how the aforementioned regulations impact housing availability. Next, conditions affecting fair housing choice for protected classes are analyzed. The final step is an evaluation of the availability of accessible and affordable housing in various unit sizes. HUD recommends an Analysis of Impediments be conducted every 3-5 years. In the event of identified impediments, the jurisdiction should detail a list of actions for remedy, create a timetable to track progress, and involve the community in finding solutions. The Analysis of Impediments serves as the basis for monitoring and managing Fair Housing Planning.

Data and Methods for this Report

Analysis of Impediments Reports have historically focused on multiple issues related to fair housing. Based on consultation with representatives from the Department of Housing and Urban Development, we have focused on two issues: 1) agency staff's knowledge of fair housing law; 2) alignment of agency policies and procedures with the Fair Housing Act. In this section, we briefly describe the methods employed in these analyses.

Staff Fair Housing Survey

The research team developed the "Hawai'i Housing Employee Anonymous Survey" designed to estimate agency staff members' knowledge of fair housing law. The survey was designed to be consistent across all partner agencies and the bulk of the questions focused on issues relevant to individuals working in public agencies tasked with administering subsidized housing programs. We are grateful to lead representatives from each participating agency who were invited to make comments on the draft survey. Some basic yes/no questions were asked, but the bulk of the evaluation hinged on a series of Fair Housing Scenarios designed to incorporate the complexity of fair housing law. Staff were asked to assess whether or not each scenario was likely an example of a fair housing violation and the degree to which they believed such violations occurred frequently in Hawai'i. The survey also collected demographic information on all agency staff.

For the full survey instrument, see Appendix A.

The survey was administered online through a University enterprise account with SurveyMonkey.com. Each agency provided a list of all staff members, who were then sent invitations to participate in the survey in the first week of December. Staff who wished to do so could provide their email address to be entered into a gift card drawing. Subsequent email reminders were sent to each staff member over the first half of December 2019. Overall, the survey completion was highly successful: over 70% of agency staff completed the survey – a remarkably high response rate. Specific agency response rates are found later in the report. We are extremely grateful for the assistance of our agency partners and staff members who ensured the success of the survey.

Document Review

Each agency provided a set of documents that summarized their agency's policies, procedures, and training related to fair housing. The list of policy documents requested from each agency was as follows:

Policy Manuals, Rules, and Regulations

We would like to review all policy manuals (including rules and regulations) used by your staff for each of the housing programs you administer. These may include, but are not necessarily limited to: 1) Housing Choice Voucher Program; 2) Public Housing; 3) Project Based Section 8; 4) the federal and state LIHTC programs; 5) other supply-side housing programs (202, 203b, 811, etc.); 6) the Rental Assistance Payment (RAP); 7) rental housing revolving funds (state or local); 8) VASH; 9) CBGB; 10) HOME; 11) other homelessness programs; 12) TBRA; 13) Hawaiian Homelands.

Agency Reports

All plans and reports produced by your agency (annual reports, 5-year plans, previous consolidated reports).

State and Local Policies under Your Purview

If there are relevant pieces of legislation that have not yet been consolidated into your internal rules and regulations, please share those as well.

Scoring and Ranking Systems

If not included in the Policy Manuals, please submit all scoring and ranking systems. These can include project evaluation criteria (QAP, for example), information on the waitlist management and scoring, rent reasonableness determination processes, and so forth.

Training Materials

We would like to review and materials used to onboard new employees related to fair housing (or offered to existing employees).

Each agency provided a different document set. The full set of documents provided for this report can be found in Appendix B.

The documents were then carefully reviewed by staff and faculty of the William S. Richardson School of Law. The analysis was designed to answer two questions: 1) do the documents comply with current interpretation of fair housing law; and 2) are the policies and procedures adequate to the task of affirmatively furthering equal housing access for disadvantaged communities in Hawai'i.

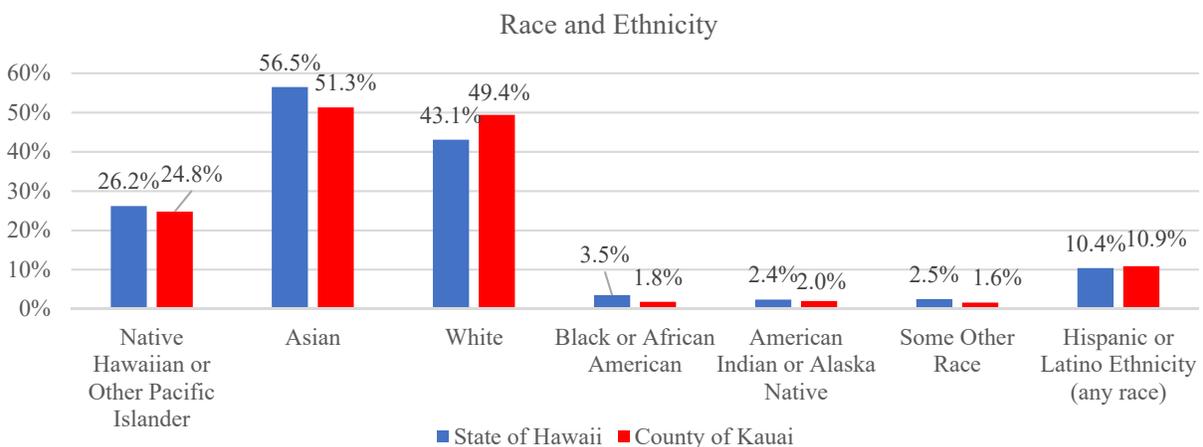
County of Kauai Demographic Profile

This section provides an overview of population characteristics of the County of Kauai, paying specific attention to protected classes of people and population groups most likely to struggle to find adequate housing. It begins with individual-level demographic data related to age, sex, race, national origin, and disability status. The remainder of the section focuses on household- and family-level demographics, including household composition, income, and poverty status. All data are U.S. Census American Community Survey 5-year estimates.

	Total Population	Percent Male	Percent Female	Median Age	Percent Below 18	Percent Over 65	Percent of population with a disability
State of Hawai'i	1,422,029	50.2%	49.8%	38.9	21.6%	17.3%	11.2%
County of Kauai	71,377	49.6%	50.4%	42.4	22.0%	18.8%	9.9%

Source: ACS 5-Year, 2018

The total population of the County of Kauai is just 71,377, comprising just over five percent of the population of the state. Both the county and state have nearly equal numbers of males and females. However, the population of the County of Kauai is older than the overall state population, both in terms of median age and the percentage of people over the age of 65. Despite having an older population, the County of Kauai has smaller percentage of people living with disabilities, at just 9.9%. This is the lowest in the state.



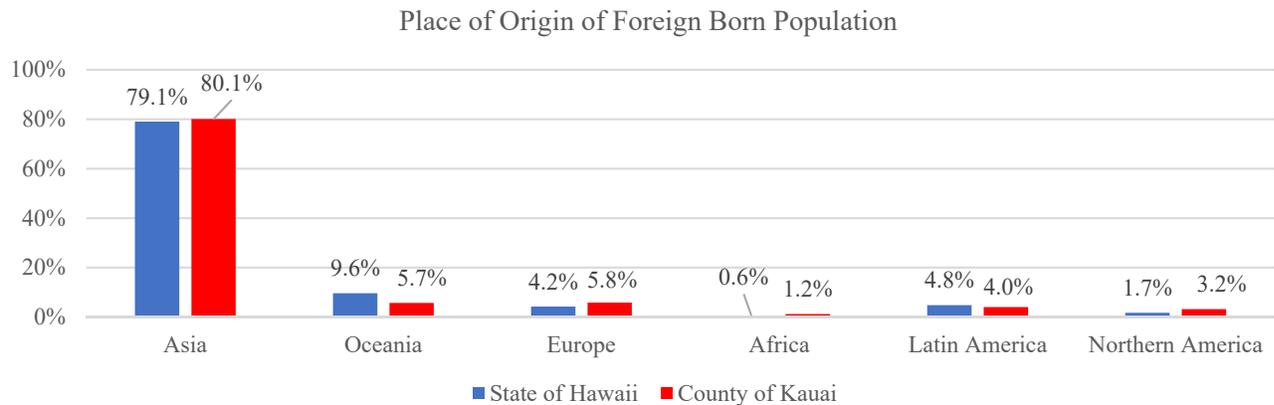
*Races are reported alone or in combination. Therefore, percentages amount to more than

The County of Kauai is racially and ethnically diverse. Over 22 percent of people identify as two or more races. A slim majority of the population of the County of Kauai identifies as Asian (51.3%), followed by White (49.4%) and Native Hawaiian or Pacific Islander (24.8%). People identifying as other races account for less than 10 percent of the population, and 10.9 percent identify as being Hispanic or Latino.

Place of Origin	Born in U.S.	Born in Hawaii	Born in another state in the U.S.	Foreign Born	Speaks language other than English at home	Speaks English less than "very well"
State of Hawai'i	81.7%	53.3%	25.3%	18.3%	26.1%	12.1%
County of Kauai	82.7%	54.2%	26.7%	17.3%	21.0%	9.0%

Source: ACS 5-Year, 2018

Compared to the State of Hawai'i, the County of Kauai has a slightly larger proportion of residents born in the U.S. A majority of the population of the county was born in the State of Hawai'i (54.2 percent). Another 26.7 percent of the population was born in another U.S. state, and 17.3 percent were born outside the U.S and its territories. Of those born outside the U.S., the vast majority hail from Asia (80.1%), followed distantly by Oceania (5.7%). Compared to the state as a whole, the County of Kauai has a smaller proportion of people who speak a language other than English at home (21%) and who speak English less than "very well" (9%).

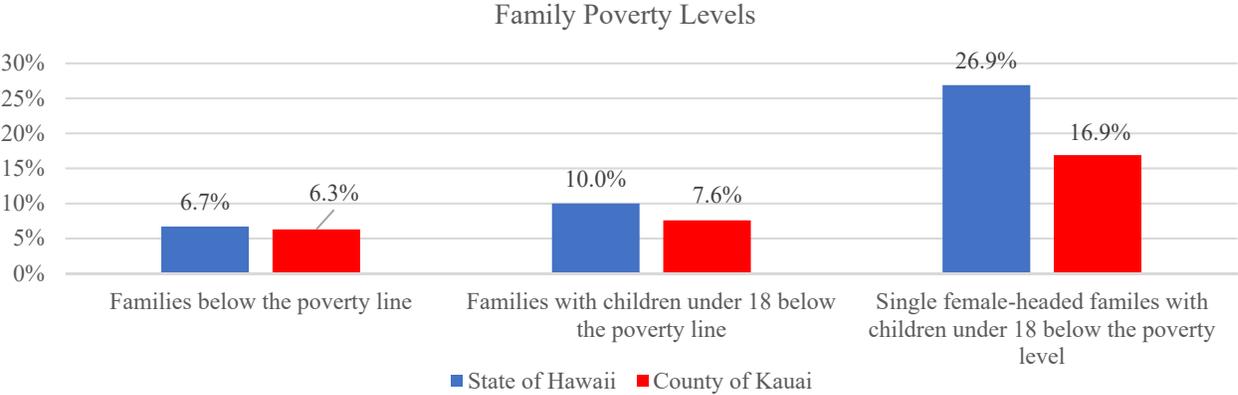


	Total Housing Units	Total Households	Average Household Size	Median Household Income	At least 1 person under the age of 18	At least 1 person over the age of 65	Grandparents living with grandchildren
State of Hawai'i	539,053	456,782	3.02	\$78,084	32.4%	36.0%	12.2%
County of Kauai	30,793	22,524	3.13	\$78,482	30.8%	39.3%	13.3%

Source: ACS 5-Year, 2018

Many households and families face barriers to accessing housing. Income and family composition can contribute to the inability to access housing. Nearly one third of households have at least one person under 18, and almost 40 percent have a person over 65. In 13.3 percent

of households, grandparents live with grandchildren. The County of Kauai has a slightly higher median income than the state as a whole, as well as lower rates of poverty for families.



PART 1
Assessing Staff Knowledge of Fair Housing

In this section, we describe results from our survey of agency staff related to their familiarity with fair housing law.

The survey was administered to all of the eight agencies participating in the study. Part 1, below, reports the findings for the County of Kauai.

1.1 Response Rate & Respondent Demographics

As of January 3rd, 2020, out of 24 total invitations sent to individual agency staff, there were 13 completed and 3 partially completed for a total response rate of 67%. This is a better than average response rate, which strengthens the reliability of our survey results.

Table 1.1 below shows the demographics of the staff member respondents who completed the survey. We encourage agencies to compare this information to their understanding of their staff's overall characteristics to identify any potential bias in who completed the survey.

[See Table 1.1 At End of Section]

The respondents were 39% Filipino, 23% Native Hawaiian, 23% White, 15% Native American/American Indian or Alaska Native, 15% Japanese, 8% Chinese, 8% African American/Black, 8% Latino/Hispanic, and 15% responded "Other." Those who were multiracial could select all that applied. More than three quarters (77%) of the respondents were female and 23% were male. Almost a quarter (23%) of the respondents were ages 30 to 39, almost half of the respondents (46%) were ages 40 to 49 years, and 31% were ages 50 to 59. Almost a quarter (23%) had completed high school as their highest degree, only 8% had a GED, almost half of the respondents had either bachelor's degrees (23%) or Associate's (23%) degrees, 15% achieved a Master's degree, and 8% had a Law degree. None reported having a disability. Most respondents (62%) were born in Hawaii and the vast majority had lived in Hawaii for more than 30 years.

Given the challenges associated with serving Hawaii's multilingual population, we have summarized the languages in which agency staff respondents stated they were comfortable conversing (Table 1.2). Due to confidentiality we cannot, of course, assess whether these language competencies are employed in client-facing roles at the agency. However, these language skills represent potential agency resources to advance fair housing access for language minorities or Limited English Proficiency individuals.

Two respondents spoke either Hawaiian, Ilocano, or Spanish, and 1 spoke Korean. Local languages not represented include Cantonese, Mandarin, Japanese, Tagalog, Samoan, Visayan, Thai, Vietnamese, Palauan, Chamorro, Chuukese, Kosraean, Marshallese, Pohnpeian, Tongan, Yapese, and American Sign Language.

1.2 Respondent Training Needs

In addition to assessing staff competency with fair housing, we also asked respondents directly whether or not they have received training in fair housing and what additional training they would like to have. The latter was asked after the substantive questions in hopes that gaps and limitations would be more apparent after respondents were confronted with a slate of fair housing questions.

Table 1.2: Fair Housing Training : Kauai

Have you ever received training?

None	18.8%
Yes, In Workplace	56.3%
Yes, Outside Workplace	12.5%
Both In and Outside	12.5%

How important is fair housing for your job?

Not At All	0.0%
Mildly	0.0%
Moderately	18.8%
Very	12.5%
Extremely	68.8%



As shown in Table 1.2, 81% of the staff had received fair housing law training either in their workplace (56%) or outside their workplace (13%) or both (13%) and 19% still had not received training. The majority of the respondents thought this type of training was (extremely 68%, very 19% or moderately 13%) important for their job. It is worth noting here that more than half of the respondents had worked for this agency for a decade or more, 19% for less than a year and 19% for only 1 to 2 years. A quarter of respondents stated that they did not know whom to contact at their agency about potential fair housing violations. Respondents were asked to list these contacts; to protect staff privacy, this list will be provided to each agency directly for evaluation.

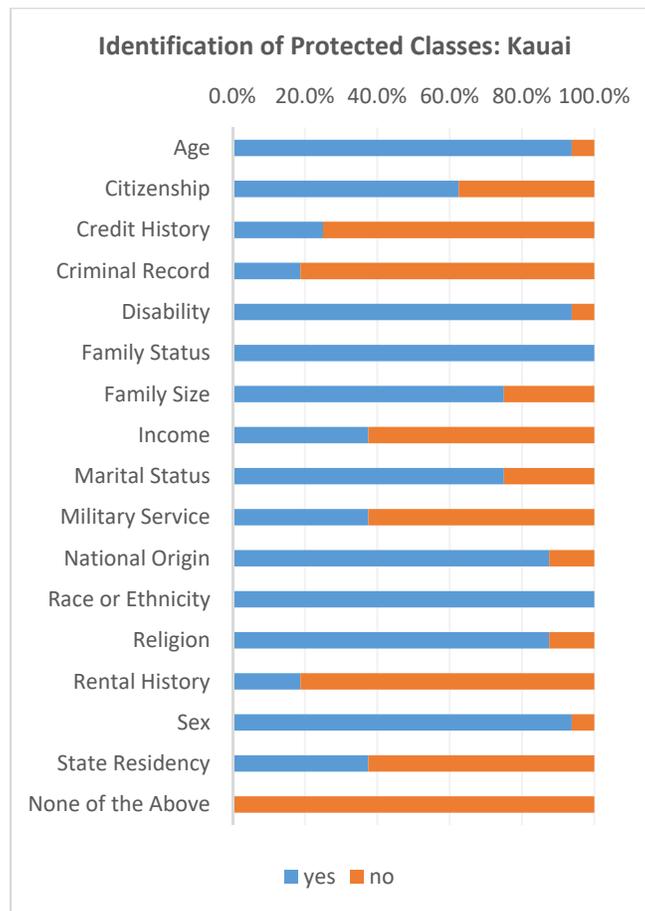
When asked, respondents listed the following topics as potentially useful training (note, beyond adjustments to spelling and grammar and any edits to preserve confidentiality, this list is taken verbatim from the survey):

Table X: Training Requests: Kauai

All aspects. I didn't realize how much issues can be discriminatory until I took this survey.
How to mitigate against tenants who abuse the Fair Housing Laws
Reporting violations
Homeless Shelter Trainings
The limits of "reasonable accommodation" and when it can justifiably be requested

1.3 Response to Simple Fair Housing Questions

For the evaluation of substantive knowledge about fair housing, we first asked respondents to identify the classes of people protected by the fair housing act. These results are shown in the Figure below:



The proper list of protected classes is: age, disability, familial status, marital status, national origin, race/ethnicity, religion, and sex.

As is clear, respondents by and large identified the protected classes correctly. A slightly lower share identified marital status (75%), as compared to 100% race/ethnicity, 100% familial status, 94% sex, 94% disability, 94% age, and religion 88%. This suggests that more awareness could be brought to that protected class. However, many also identified groups not protected by fair housing law as being covered under the act. For example, other statuses highlighted included income (38%), state residency (38%), military (38%), credit history (25%), and having a criminal record (19%). While there are many nuances in fair housing law, these factors represent mechanisms by which landlords and housing agencies can legally screen clients. Moreover, while many protections exist for veterans, the fact that it does not represent a protected class under fair housing law means that landlords and housing agencies are allowed to use veteran status as an inclusive criteria in screening (such as the VASH program).

Beyond this question, we also asked a series of straightforward questions related to fair housing the answers to which are presented in Table 1.4.

Kauai scored very well on questions related to retaliation for a fair housing complaint (100% were correct), religion (94% were correct), reasonable accommodations for tenants with disabilities (88% were correct), (75% were correct) mental illness, and recognizing the need for language support for LEP or non-English speaking households (69% were correct). A quarter of respondents “didn’t know” and 13% incorrectly answered the question regarding different credit ratings standards for a married couple compared to a single woman. Half incorrectly answered that it is illegal discrimination in Hawaii to make, print or publish any notice, statement or advertisement with respect to the rental of an apartment that indicates Section 8 or Housing Choice voucher holders should not apply. The respondents were also split about selecting a roommate for an apartment based on gender, which is legal, and whether fair housing law should apply to private landlords renting a room in their own house. Finally, 69% of the respondents incorrectly answered that it was illegal to waive security deposits for military rental applicants in Hawai‘i. Overall, these areas of knowledge deficiency suggest a need for expanded training in these particular areas.

1.4 Response to Fair Housing Scenarios

In addition to assessing respondents’ basic familiarity with fair housing law, the bulk of the survey assessed the full range of respondents’ comprehension of fair housing through questions about fictional fair housing scenarios. These scenarios were intentionally designed to be nuanced, in order to reflect the complexity of fair housing issues, in practice. Respondents were asked whether each scenario was likely “illegal discrimination in Hawai‘i” (with optional answers: Yes, No, Don’t know). In addition, we asked each respondent to offer their opinion about how often the issues raised in each scenario occur. Answers to these questions provide an indirect way to assess how often the specific fair housing issues come up, in practice. Therefore, while the number of agency employees who identified the correct answer is an important metric, we also encourage agencies to review the prevalence of each scenario as estimated by their staff,

which will present important information on what types of issues are more prevalent and therefore what types of training would be most beneficial for staff.

For each scenario, we provide the correct answer along with a legal explanation for that answer.

Scenario 1: Kevin is the landlord of a kupuna apartment complex for elderly tenants. He avoids selecting applicants who have young children because he wants it to remain a quiet place.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
18.8%	25.0%	56.3%	0.0%	18.8%	50.0%	31.3%

Correct Answer: No, it is unlikely that this scenario represents discrimination.

Legal Explanation: Normally, familial status is an illegal basis of discrimination. However, here, Kevin is the landlord of an "apartment complex for elderly tenants." The provisions against familial status discrimination do not "apply with respect to housing for older persons." Under the law, however, these provisions related to housing for older tenants apply only apartment complexes adhering to the specific definitions indicated here: they would need to be "(A) provided under any State or Federal program that the Secretary [HUD] determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or (B) intended for, and solely occupied by, persons 62 years of age or older; or (C) intended and operated for occupancy by persons 55 years of age or older, and— (i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older; (ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and (iii) the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall— (I) provide for verification by reliable surveys and affidavits; and (II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification." (42 U.S.C. § 3607)

Scenario 2. When Rumika, an employee at a housing agency, receives a phone message from a local 808 area code that asks about Section 8 (or Housing Choice) vouchers, she calls them back first. Rumika has seen data that shows that many vouchers in her program are assigned to people not from Hawai'i. Her county demographics do not reflect that large of a percentage, so Rumika feels it is her duty to try to make sure that the public housing goes to those that reflect the demographics from the local community in Hawai'i.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
6.3%	25.0%	68.8%	0.0%	6.3%	43.8%	50.0%

Correct Answer: No, it is unlikely that this scenario represents discrimination.

Legal Explanation: State residency or state origin are not protected classes according to fair housing law (H.R.S. § 515-3). However, there are complicated developments in the law regarding this issue. Additionally, agencies should make sure other constitutional protections are not triggered, or ‘local’ is used as a proxy for race or ancestry discrimination. Agencies should remain vigilant to track and address new legal or regulatory determinations.

Scenario 3. Tia is an employee at a housing agency and she thinks that many of the vacant units in public housing are going to Micronesian families in Hawai‘i. She meets a Micronesian family that needs to take action to continue their program eligibility, but the family needs an interpreter. Tia sends a written letter in English to them that has a phone number at the bottom that tells them how to get an interpreter.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
18.8%	18.8%	62.5%	0.0%	12.5%	62.5%	25.0%

Correct Answer: Yes, it is likely that this scenario represents illegal discrimination.

Legal Explanation: The law requires “meaningful access” to housing for individuals with Limited English Proficiency (LEP), and the factors for determining if an agency is taking appropriate action to provide some access are as follows: 1) The number of LEP persons from a particular language group to be served or encountered; 2) The frequency of contact with LEP persons; 3) The nature and importance of the program; and 4) The resources available, including costs, to provide LEP services (Department of Justice, *Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance*, 65 FR 50123–01 (Aug. 16, 2000); H.R.S § 321-C3). Here, the agency has identified that a high number of individuals with origins the region of Micronesia (including speakers of various Micronesian languages such as Chuukese and Marshallese), have a high frequency of contact with agencies. Given the importance of housing as a resource, and the risk that this family, per this notice, could lose access to this fundamental need, this scenario raises the risk of fair housing violations. The resources required to translate a letter should not outweigh the needs for housing of LEP individuals.

Scenario 4. Roman is an employee at a housing agency and will be meeting with some tenants to discuss maintenance repairs to their unit. Roman is aware that a Chuukese/English translator was needed for the meeting. Roman tells the tenants to bring their son, who is able to speak both English and Chuukese, rather than hiring an interpreter.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
6.3%	18.8%	75.0%	0.0%	12.5%	50.0%	37.5%

Correct Answer: **Yes**, it is likely that this scenario represents illegal discrimination.

Legal Explanation: The law requires “meaningful access” to housing for individuals with Limited English Proficiency (LEP), and the factors for determining if an agency is taking appropriate action to provide some access are as follows: 1) The number of LEP persons from a particular language group to be served or encountered; 2) The frequency of contact with LEP persons; 3) The nature and importance of the program; and 4) The resources available, including costs, to provide LEP services (Department of Justice, *Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance*, 65 FR 50123–01 (Aug. 16, 2000); H.R.S § 321-C3). Here, the agency has already identified the need for an interpreter for this important conversation. Asking for assistance from a family member of a tenant or potential tenant does not replace the agency’s legal requirement to offer their own interpreter.

Scenario 5: Aiko is a manager of an apartment building. Many of her previous tenants have been Marshallese, they often had extended family that would regularly have gatherings at their apartment or come to live with them. This frequently led to excess wear and tear, so Aiko charges a higher security deposit for Marshallese families.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
0.0%	6.3%	93.8%	0.0%	18.8%	62.5%	18.8%

Correct Answer: **Yes**, it is likely that this scenario represents illegal discrimination.

Legal Explanation: It is discrimination, on the basis of national origin, "[t]o discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection with a real estate transaction." (H.R.S. § 515-3)

Scenario 6: Kal is a landlord who receives several requests for repairs to apartment units. He recognizes one address because he has made several repairs to the same unit. Last time Kal went to repair the unit, the tenant was talking to herself and her behavior seemed agitated. Kal avoids making the repairs to the unit because he believes the tenant caused the damage. Instead, he prioritizes other tenants’ maintenance requests.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
6.3%	0.0%	93.8%	0.0%	20.0%	60.0%	20.0%

Correct Answer: **Yes**, it is likely that this scenario represents illegal discrimination.

Legal Explanation: It is discrimination, on the basis of disability, "[t]o discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection with a real estate transaction" (H.R.S. § 515-3; *see also* 42 U.S.C. § 3604(f)(1)). Disability "means having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment. The term does not include current illegal use of or addiction to a controlled substance or alcohol or drug abuse that threatens the property or safety of others" (H.R.S. § 515-2; *see also* 42 U.S.C. § 3602(h)). Here, the maintenance would be a service in connection with the real estate transaction. There is no indication of a safety issue or "direct threat" here (*See* 42 USC § 3604(f)(9)).

Scenario 7. Lilly is a property manager for housing subsidized through the federal low-income housing tax credit (LIHTC). She refuses the reasonable accommodation to build a wheelchair ramp to the first floor rental apartment of a tenant with a disability. Lilly was told by her other tenants that they would not like how it looks.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
0.0%	0.0%	100.0%	0.0%	33.3%	46.7%	20.0%

Correct Answer: Yes, it is likely that this scenario represents illegal discrimination.

Legal Explanation: It is discrimination "To refuse to permit, at the expense of a person with a disability, reasonable modifications to existing premises occupied or to be occupied by the person if modifications may be necessary to afford the person full enjoyment of the premises; provided that a real estate broker or salesperson, where it is reasonable to do so, may condition permission for a modification on the person agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted." (H.R.S. § 515-3(8)).

Scenario 8. Lisa is a landlord of an apartment building. She refuses to renew Bob's lease because other tenants have complained that Bob seems to have a mental illness and damaged some chairs by the pool.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
35.7%	14.3%	50.0%	0.0%	50.0%	41.7%	8.3%

Correct Answer: Yes, it is likely that this scenario represents illegal discrimination.

Legal Explanation: It is illegal to discriminate based on disability, including mental health disability (H.R.S. § 515-3; *see also* 42 U.S.C. § 3604(f)(1)). Although, "[n]othing in this subsection requires that a dwelling be made available to an individual whose tenancy would

constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others," that must be an individual determination not based on stereotypes (42 U.S.C. § 3604(f)(9)). There is no information here to show that there is such an issue here, other than neighbors blaming Bob for the damage to some chairs by the pool.

Scenario 9. Susan has a diagnosed mental illness that makes it difficult for her to keep her apartment clean and organized. In the past few months, her unit has gotten very dirty and has been overrun with cockroaches. She asks her landlord, Ronald, to hire an exterminator. Ronald says the reason for the cockroach problem is that Susan does not keep her unit clean enough and is therefore in violation of her lease, so he sends her a notice of eviction.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
7.7%	69.2%	23.1%	8.3%	25.0%	50.0%	16.7%

Correct Answer: No, it is unlikely that this scenario represents discrimination.

Legal Explanation: It is illegal to discriminate based on disability, including mental health disability. However, "[n]othing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others" (42 U.S.C. § 3604(f)(9)) That must be an individual determination. Here, because of the wording "overrun with cockroaches," there may be a "direct threat" to health and safety.

Scenario 10: Keola is a director of an emergency shelter for those who are homeless. When people come to the shelter, he asks them if they have any physical disabilities because he wants to screen them to select those who can lift their mattress off the floor for cleaning.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
15.4%	30.8%	53.8%	0.0%	30.8%	53.8%	15.4%

Correct Answer: Yes, it is likely that this scenario represents illegal discrimination.

Legal Explanation: It is illegal to discriminate based on disability for a housing accommodation. A "'housing accommodation' includes any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home or residence of one or more individuals" (H.R.S. § 515-2; *see also* H.R.S. § 515-3). The shelter would likely be considered a "housing accommodation," although the determination would be fact-specific.

Scenario 11: Lori has a service dog that notifies her when she has to take her insulin. The landlord tells Lori that she will be evicted if she keeps the dog because she never disclosed that

she had a service animal prior to signing the lease and there are no pets allowed in the apartment complex.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
15.4%	46.2%	38.5%	0.0%	16.7%	58.3%	25.0%

Correct Answer: Yes, it is likely that this scenario represents illegal discrimination.

Legal Explanation: The service dog would be considered a reasonable accommodation. It is discrimination "To refuse to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a housing accommodation; provided that if reasonable accommodations include the use of an animal, reasonable restrictions may be imposed" (H.R.S. §515-3(9)). Even if there are no pets allowed here, the service dog would be considered a reasonable accommodation. Here, there is a tricky wrinkle in that Lori did not disclose the dog at first. However, the service dog would likely still be considered a reasonable accommodation. Lori would be subject to the "reasonable restrictions" imposed by her landlord.

Scenario 12. Rissa lives alone in an apartment. When her boyfriend visits, the couple frequently argues and the neighbors have had to call the police several times because of domestic violence. The property manager tells Rissa that her boyfriend is making trouble and is not allowed in the apartment complex. The boyfriend returns to Rissa's apartment, her neighbors make a noise complaint, and later Rissa receives an eviction notice.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
0.0%	83.3%	16.7%	0.0%	0.0%	50.0%	50.0%

Correct Answer: Yes, it is likely that this scenario represents illegal discrimination.

Legal Explanation: Rissa is a victim of domestic violence. HUD has clarified, "A local government's policies and practices to address nuisances, including enactment or enforcement of a nuisance or crime-free housing ordinance, violate the Fair Housing Act when they have an unjustified discriminatory effect, even when the local government had no intent to discriminate" (HUD, *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services* (Sept. 13, 2016)¹). Here, there is a less discriminatory alternative of enforcing the ban on the boyfriend without evicting Rissa.

¹ <https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF>

Scenario 13. Charmaine has been diagnosed with cancer and requires a caregiver while she undergoes treatment and recovers from her surgery. Charmaine's daughter moves in as a caregiver, along with her husband and two young children. Charmaine receives a notice of eviction from her landlord stating that she is violating the rules of her lease by having more than one occupant in her apartment.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
25.0%	58.3%	16.7%	0.0%	16.7%	58.3%	25.0%

Correct Answer: No, it is unlikely that this scenario represents discrimination.

Legal Explanation: A live-in aide is considered an appropriate accommodation, which is legally required. "Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) Is determined to be essential to the care and well-being of the persons; (2) Is not obligated for the support of the persons; and (3) Would not be living in the unit except to provide the necessary supportive services" (24 C.F.R. § 5.403). The live-in aide requirement does not include the daughter's husband and two young children. Because of that, there is no violation for the eviction notice. However, it would be more likely to be discrimination if the landlord were evicting a single live-in aide.

Scenario 14. Christina is transgender (male to female), wearing a dress, and selects "female" on the application form for a rental apartment. The property manager asks to see a photo identification, which is his standard practice. Christina's driver's license still lists her as a "male" (her sex at birth) named Christopher (her birth name). Because the property manager cannot verify the applicant's identity, he refuses to accept the application.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
0.0%	38.5%	61.5%	0.0%	33.3%	41.7%	25.0%

Correct Answer: Yes, it is likely that this scenario represents illegal discrimination.

Legal Explanation: "It is a discriminatory practice for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesperson, because of race, sex, including gender identity or expression, sexual orientation, color, religion, marital status, familial status, ancestry, disability, age, or human immunodeficiency virus infection: (1) To refuse to engage in a real estate transaction with a person" (H.R.S. § 515-3). Hawaii has explicitly defined sex to include "gender identity or expression" so transgender individuals are a protected class. If Christina presents the ID as her own identification and requests to be recognized as "female" and "Christina" rather than "male" and "Christopher," that would not be an allowable basis for rejection of the application. If the property manager is unable to verify the identity because he

suspects that the "Christopher" ID is a fake ID and not Christina's real ID, then that would be different. Based on the wording of this questions, however, that does not seem to be the case.

Scenario 15: James is a realtor with a client looking to purchase a 3-bedroom 2-bath single family home. Because the family is White/Caucasian, James chooses to only show them homes in neighborhoods where he believes they will be safer and more accepted. He avoids showing them homes in neighborhoods where he believes "haoles" will not be welcomed.

Is this a fair housing violation...			How frequently do you think this occurs...			
Don't Know	Unlikely	Likely	Never	Rarely	Occasionally	Regularly
8.3%	25.0%	66.7%	0.0%	8.3%	41.7%	50.0%

Correct Answer: Yes, it is likely that this scenario represents illegal discrimination.

Legal Explanation: It is discrimination to "steer a person seeking to engage in a real estate transaction" on the basis of race" (H.R.S. § 515-3). "Steering" includes the practice of directing persons who seek to enter into a real estate transaction toward or away from real property in order to deprive them of the benefits of living in a discrimination-free environment" (H.R.S. § 515-2).

1.5 Summary and Recommendations

Most employees (81%) have received training and have a general sense of protected classes. However, employees could benefit from clarification on what is/is not considered protected statuses/classes, such as marital status, family size, citizenship, etc. Regarding the scenarios, whether familial status as a protected class applies to housing for the elderly needs clarification because only a quarter of respondents answered correctly. Only a quarter answered correctly about the scenario where an employee returns calls from 808 number first to help reflect the county demographics. Only half of respondents answered correctly for the scenario about refusing to renew the lease for a tenant that others in the building suspected has a mental illness and caused property damage. Fewer (39%) answered correctly about the scenario with the service dog for insulin treatment as a reasonable accommodation that does not warrant eviction. Only 17% correctly answered the scenario about a female tenant experiencing domestic violence and the behavior of her partner getting her evicted. Employees could benefit from training on whether or not damage to property because of a disability is considered a reasonable accommodation. Employees could also benefit from information on when to provide an interpreter and who is responsible for providing one. When asked what they would like to learn more about, employees mentioned that they would like training on reasonable accommodations and how to report violations of fair housing law.

Table 1.1: Demographics: Kauai

Race/Ethnicity (respondents could select more than one response if they were multiracial)

African American/Black	7.7%
Chinese	7.7%
Filipino	38.5%
Japanese	15.4%
Korean	0.0%
Latino/Hispanic	7.7%
Native American	15.4%
Native Hawaiian	23.1%
White/Caucasian	23.1%
Other	15.4%

Gender

Male	23.1%
Female	76.9%
Non-binary	0.0%
Prefer to self-describe	0.0%
Prefer not to answer	0.0%

Age

18-29	0.0%
30-39	23.1%
40-49	46.2%
50-59	30.8%
60-69	0.0%
70+	0.0%
Prefer not to answer	0.0%

Highest Level of Schooling

Less than high school	0.0%
High school diploma	23.1%
GED	7.7%
Associate Degree	23.1%
Bachelor Degree	0.0%
Master Degree	23.1%
Doctorate	15.4%
Law Degree	0.0%
Other Professional Degree	7.7%
Other (Please specify)	0.0%

Disability

Yes	0.0%
No	100.0%
Prefer not to answer	0.0%

Born in Hawaii	61.5%
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How Long Lived in Hawaii

less than 1 yr	0.0%
1-5years	0.0%
6-10years	0.0%
11-20years	7.7%
21-30years	7.7%
31-40years	46.2%
41-50years	23.1%
51 or more years	15.4%

Marital Status

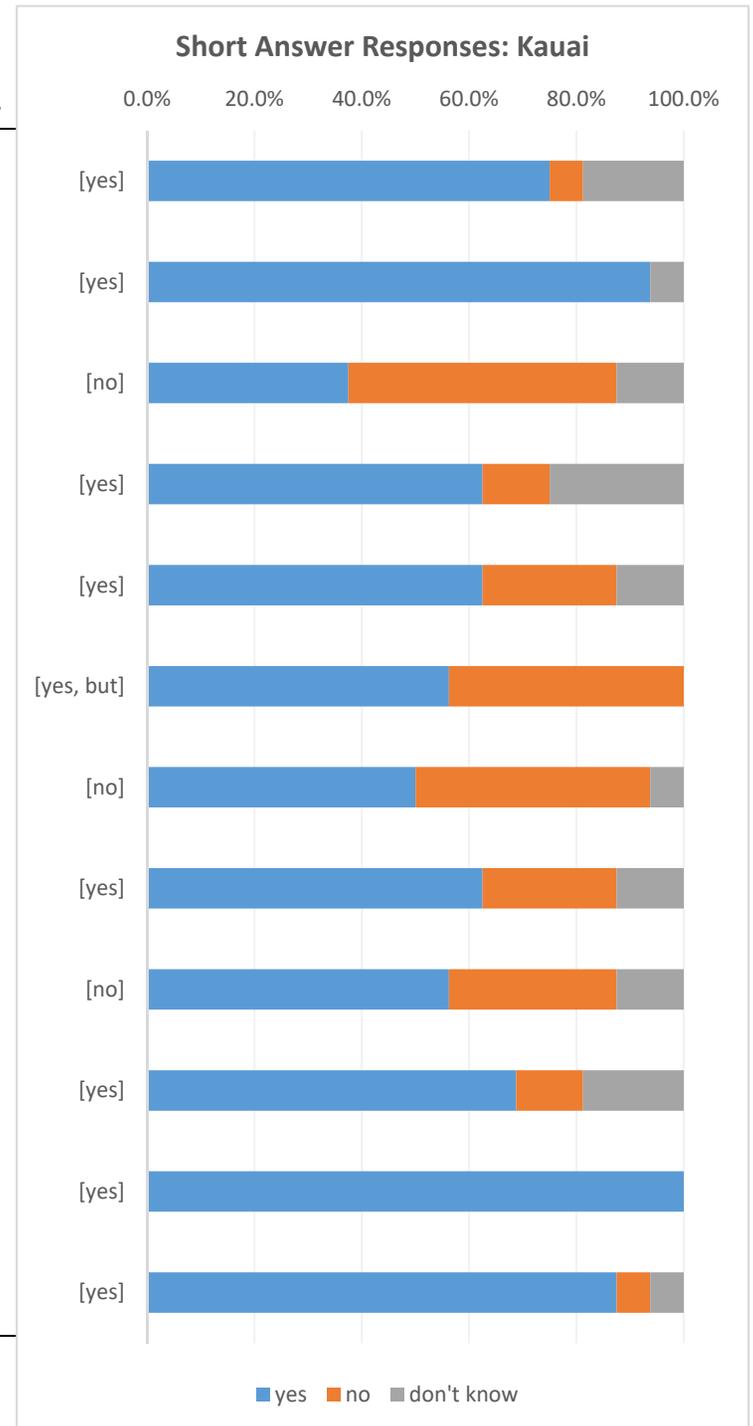
Single	15.4%
Married	76.9%
Cohabiting	0.0%
Widowed	0.0%
Divorced	7.7%
Separated	0.0%
Prefer not to answer	0.0%

Number of Children

Zero	15.4%
One	0.0%
Two	38.5%
Three	15.4%
Four	23.1%
5+	7.7%
Prefer not to answer	0.0%

Table 1.4: Responses to Short Questions: Kauai

[Answer]	Question	yes	no	don't know
[yes]	According to fair housing law, is it illegal discrimination if a landlord refuses to rent a unit to an applicant because her references say she has a history of mental illness?	75.0%	6.3%	18.8%
[yes]	Is it illegal discrimination if a landlord falsely informs an applicant that a rental apartment is no longer available because the applicant is a Jehovah's Witness and the landlord thinks other tenants in that building would not want to be contacted by Jehovah's Witnesses to become members of that religious group?	93.8%	0.0%	6.3%
[no]	Is it illegal discrimination in Hawaii to make, print or publish any notice, statement or advertisement with respect to the rental of an apartment that indicates Section 8 or Housing Choice voucher holders should not apply?	37.5%	50.0%	12.5%
[yes]	Is it illegal discrimination to use different credit rating standards for a married couple than a single woman when selecting tenants?	62.5%	12.5%	25.0%
[yes]	Is it illegal discrimination to discourage the purchase of a dwelling for someone who is from another country?	62.5%	25.0%	12.5%
[yes, but]	Does fair housing law in Hawaii apply to a private landlord who is selecting tenants for a room in his or her own house?	56.3%	43.8%	0.0%
[no]	Is it illegal discrimination to select roommates based on their gender when renting an apartment?	50.0%	43.8%	6.3%
[yes]	Is it illegal discrimination to only place families with children in the section of the building without outdoor balconies because the balconies in the other section are unsafe for children?	62.5%	25.0%	12.5%
[no]	Is it illegal discrimination when a landlord in Hawaii waives the security deposits for military members because the landlord believes they are reliable tenants, but the apartments were advertised to the general public and non-military members would need to pay a security deposit?	56.3%	31.3%	12.5%
[yes]	Does it violate fair housing requirements to fail to provide an interpreter to non-English or limited-English speaking applicants, who have difficulty reading, writing, speaking or understanding English, at the time of renewing their lease in a public housing development?	68.8%	12.5%	18.8%
[yes]	Does it violate fair housing requirements if a landlord delays repairs for a tenant's apartment because that tenant has an ongoing fair housing complaint (unrelated to the repairs needed) filed against the landlord?	100.0%	0.0%	0.0%
[yes]	Must housing providers make reasonable accommodations and allow reasonable modifications to be made in a timely manner for tenants with disabilities?	87.5%	6.3%	6.3%



PART 2
Review of Policies and Procedures

In this section we present the legal team's review of the policy and procedures submitted by the agency.

1. Overview

A review of submitted documents was undertaken to assess “the degree to which agency policies and procedures (legal, regulatory, and administrative) align with fair housing law and affirmatively promote equal access to housing for all Hawai‘i’s residents.” In particular, this analysis focused on two questions: 1) do the documents comply with current interpretation of fair housing law; and 2) are the policies and procedures adequate to the task of affirmatively furthering equal housing access for disadvantaged communities in Hawai‘i.

The Kaua‘i County Housing Agency is responsible for housing development, management of housing voucher programs, including Section 8 rental assistance, for the County of Kaua‘i.

2. Agency Policies

Agencies were asked to submit all documentation that showed policies as well as their steps taken to affirmatively further fair housing. First reviewed were documents submitted by Kaua‘i to demonstrate current policies regarding fair housing laws.

2.1 Compliance

Kaua‘i’s policy documents may at minimum comply with fair housing laws in the state of Hawai‘i, but the documents present confusing information. Kaua‘i County can be applauded for providing user friendly information about their programs in a variety of handbooks and other easy to digest brochures. However, these resources lack robust fair housing information. Kaua‘i does appear to have the required policies for laws regarding minimum compliance with reasonable accommodation for disabilities but may need to clarify policies in user friendly documents. Finally, there is some question as to the sufficiency of the agency’s language access plan.

As to be discussed in Section III, while Kaua‘i does submit some evidence to demonstrate a review of impediments to fair housings, there is little evidence submitted that suggests Kaua‘i has taken steps to analyze and review demographic data, or has worked to challenge patterns of segregation or review and address areas of concentrated poverty. Instead, policies appear to be confined to mere basic minimum compliance with fair housing laws.

2.2 Policy Documents

Kaua‘i focused on submitting policy documents and handbooks that demonstrated a commitment to communicating and ensuring that individuals are information of program procedures. The breadth of resources regarding housing programs show great progress to creating community resources. The agency also submitted documents such as the Residential Landlord Tenant Handbook created by other agencies, which are helpful resources. These public facing resources, however, were lacking in robust discussion of fair housing rights. Also, none of the notices and forms submitted had translations available.

Document	Translated?
Family Handbook as of January 2018	None submitted
Housing Choice (Section 8) Vouchers Fact Sheet	None submitted
Known Sec 8 Landlords as of March 2018	None submitted
Utility Allowance Schedules 2019	None submitted

The Kaua‘i County Housing Agency Administrative Plan for the Housing Choice Voucher Program (2017) (“PHA Administrative Plan”) describes HUD regulations and PHA policies regarding nondiscrimination, reasonable accommodation for persons with disabilities, and meaningful access by persons with limited English proficiency (LEP). This includes policies to handle discrimination complaints and requests for accommodations.

2.2.1 Nondiscrimination

The PHA Administrative Plan maybe at minimum comply with fair housing laws in the state of Hawai‘i, but should be better clarified. The document *does* identify the appropriate relevant federal legal authorities that guide it: Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, The Age Discrimination Act of 1975, Title II of the Americans with Disability Act, and the Violence Against Women Reauthorization Act of 2005. However, state fair housing laws identify more protected classes than federal laws. Specifically, the state law prohibits discrimination “because of race, sex, including gender identity or expression, sexual orientation, color, religion, marital status, familial status, ancestry, disability, age, or human immunodeficiency virus infection.” H.R.S. § 515-3.

The PHA Administrative Plan includes confusing language regarding its compliance with Hawai‘i state fair housing law and ultimately while correct, does not enumerate some of the protected classes under state law. The PHA Administrative Plan states “The PHA will comply with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment” PHA Administrative Plan at 2-3. However, “PHA Policy” The PHA Administrative Plan has a red ‘track changes’ edits made to correct errors that indicate no state laws apply. Striking through the language “No state or local nondiscrimination laws or ordinances apply,” the PHA plan adds that “In addition to the aforementioned Federal laws, KCHA will fully comply with Hawai‘i Discrimination in Real Property Transactions law (Hawai‘i Revised Statutes Chapter 515 and Hawai‘i Administrative Rules sections 12-46-301 to 12-46-318).” While correct, this information may not be clear as it does not indicate what specific discrimination state laws prohibit.

The chapter on Nondiscrimination also has similar edits that do not specifically indicate where state law adds additional protected classes. The PHA Policy states:

“Federal regulations prohibit discrimination against certain protected classes and other groups of people. State and local requirements, as well as PHA policies, can prohibit discrimination based on other factors.

The PHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (called “protected classes”)

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

The PHA will not discriminate on the basis of marital status, gender identity, or sexual orientation [FR Notice 02/03/12].

PHA Policy

In addition to the aforementioned Federal laws, KCHA will fully comply with Hawai‘i-Discrimination in Real Property Transactions law (Hawai‘i Revised Statutes Chapter 515 and Hawai‘i Administrative Rules sections 12-46-301 to 12-46-318).

~~*The PHA does not identify any additional protected classes.*~~

Again, the PHA Administrative Plan has a red ‘track changes’ edits made to correct errors that indicate there are other protected classes under state law, even if they are not enumerated. Further, the list of protected classes in the “Nondiscrimination” chapter—presented in a confusing, piecemeal way—also wrongly omits ancestry and human immunodeficiency virus infection.

These corrections in the PHA Administrative Plan may create confusion among the public, agencies, and the Kaua‘i’s own employees regarding minimum compliance to federal and state fair housing nondiscrimination laws. Information specifically discussing state law protections would better ensure compliance to fair housing laws.

2.2.2 Reasonable Accommodations

The PHA Administrative Plan shows compliance with fair housing reasonable accommodations law. The Policy requires:

The PHA will ask all applicants and participants if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the PHA, by including the following language:

“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the housing authority.”

PHA Administrative Document at 2-7. The document also details the agency’s policy for receiving and responding to requests for reasonable accommodation. The document states that Kaua‘i will respond to the request for accommodation—which can be presented informally, although a formal request will be encouraged—within 10 days. The PHA Administrative Document also states, “If the PHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the PHA’s operations), the PHA will discuss with the family whether an alternative accommodation could effectively address the family’s disability-related needs without a fundamental alteration to the HCV program and without imposing an undue financial and administrative burden.” *Id.* at 2-11.

While this internal plan has specific information regarding reasonable accommodation, the Kaua‘i County Family Handbook has more general information. Languages indicates disability must be verified but without indicating procedure, this may create some confusion for families or individuals requesting accommodations based on disability. Additionally, characterizing accommodations as flexibility offered by the housing program rather than protected rights may also be confusing. The handbook might be better updated to detail rights and procedures so that participants are better informed of fair housing rights.

In general, while more internal policy documents complied with fair housing laws, public facing document lacked discussion of individual’s rights and responsibilities.

2.2.3 Language Access

There is some question regarding the sufficiency of the agency’s language access plan. To improve access to services for persons with limited English proficiency (LEP), the PHA Administrative Plan appropriately identifies and summarizes the legal guidelines, including the four balancing factors for determining the level of access needed by LEP persons. The PHA Administrative Plan also dictates, “The PHA will utilize a language line for telephone interpreter services,” which is an important and effective part of compliance to the legal language access requirements. The PHA Administrative also has an appropriate guideline for determining written translation needs:

In order to comply with written-translation obligations, the PHA will take the following steps:

The PHA will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the PHA does not translate vital written materials, but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

However, the PHA Administrative Plan also references a language assistance plan (LAP) and further analysis:

The PHA will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. “Reasonable steps” may not be reasonable where the costs imposed substantially exceed the benefits.

Where feasible and possible, according to its language assistance plan (LAP), the PHA will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other PHAs, and will standardize documents.

[. . . .]

If it is determined that the PHA serves very few LEP persons, and the PHA has very limited resources, the PHA will not develop a written LEP plan, but will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants will be contacted for input into the process.

If the PHA determines it is appropriate to develop a written LEP plan, the following five steps will be taken: (1) Identifying LEP individuals who need language assistance; (2) identifying language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the LEP plan. PHA Administrative Plan at 2-16 to 2-17.

The agency did not submit a written LAP, an implementation plan, or an explanation regarding its analysis if the agency had determined that a LAP was not necessary.

2.3 Agency Reflection

The agency submitted the Consolidated Annual Performance and Evaluation Report (CAPER) over the past four years. It submitted CAPERs for the period of July 1, 2014 to June 30, 2015; the period of July 1, 2015 to June 30, 2016; the period of July 1, 2017 to June 30, 2018; and the period of July 1, 2018 to June 30, 2019. Multiple documents submitted by the agency, like the *2015-2019 Consolidated Plan* and the *2020 Action Plan of the Consolidated Plan* provided other information. These self-reflective reports are helpful in achieving agency goals to affirmatively

further fair housing. As the reports recognize, there are still impediments and continued work is required to achieve these goals.

First, the agency indicated in their most recent CAPER that they were awaiting a contracted Analysis of Impediments study contracted by the University of Hawai'i Center on Disability Studies. (CAPER at 17). This indicates that the CAPER was completed perhaps before internal deadlines, or perhaps language appearing the July 1, 2017 to June 30, 2018 CAPER was not updated. Regardless, the agency continued to identify the following goals: (1) Enhance Public Awareness of Fair Housing; (2) Increase the Availability of Affordable Housing that is Accessible or Visible; (3) Enhance Housing Options for People with Serious Impairments.

The agency indicated that steps were taken to address Goal #1, stating:

The County continues to conduct outreach to the general public, landlords and property managers through the annual Fair Housing Workshop. Additionally, conducts outreach workshops [sic] are to educate the general public on the Housing Choice Voucher program and fair housing rights.” (CAPER at 18)

There was no evidence submitted regarding the specifics of this yearly training or workshops. It is noted that documents submitted indicated the participation of a wide variety of community partners in the development of their agency policies and priorities. While specific information was not submitted to identify how these partnerships specifically enhanced public awareness of Fair Housing as identified in Goal #1, evidence of collaboration demonstrates that these partnerships exist, and can support public awareness.

No evidence was submitted detailing action steps for the other two goals. However, the agency had very concrete program goals related to numbers of program participants, and focused evaluations on ensuring better access to programs. This could assist in increasing the types of affordable housing available. Additionally, the agency included action steps related to other barriers identified. For example, the report specifically mentions the allocation of Project-Based Vouchers will be selected in areas that deconcentrate poverty. The agency discusses agency partnerships with social service agencies to assist in public awareness and partnerships to assist individuals with fair housing.

It appears that agency reflection demonstrates their commitment to community partnerships, but specific activities for fair housing could be better documented, or supplemented to meet identified fair housing goals.

2.4 Policy Accessibility

The rest of this analysis focuses on how accessible and “user-friendly” the documents are for consumers. The reason for this approach is that if consumers do not have adequate and reasonable access to the forms and procedures, then the policies are rendered meaningless. Documents were reviewed to assess whether public facing resources utilize simple language and

explanations, have relevant information about how to file complaints, and include other supports and resources (e.g., legal support agencies, language access info, etc.).

The agency submitted numerous handbooks including resources for landlord-tenant law developed by other agencies. Overall, the forms and handbooks were relatively simple and straightforward. However, the accessible public facing handbook lacked a depth of description of fair housing rights and procedures that may be better supplemented. For example, as discussed previously, the Family Handbook had more general information regarding requests for reasonable accommodations. The Handbook narrative indicates:

“If you are a person with disabilities or part of a family that includes persons with disabilities, you may request a reasonable accommodation in order to fully utilize this housing program and any related services.

The PHA will make all reasonable efforts to be flexible in assisting you and your family to enable your participation in the program. Requests for accommodations must be verified to ensure that the accommodation is reasonable. If you have any questions or would like to request an accommodation, please contact your caseworker as soon as possible.” (Family Handbook at 32)

Overall, the forms and notices are helpfully short and streamlined to increase usability, but can continue to improve through more information for participants specifically regarding fair housing that digests and explains those procedures and rights available in internal policy documents.

Additionally, the agency did not submit any translated documents. The reviewers were thus unable to review the extent to which the agency’s translated forms and brochures, if any, complied with its LEP policy.

Finally, the reviewers also looked at the Kaua’i County website to examine relevant fair housing content and its accessibility. The website appropriately lists all the federal and state protected classes for nondiscrimination, but it is focused on providing legal information. On a positive note, the website including information on a specific contact responsible for fair housing compliance.

In a very positive step, the agency has demonstrated a commitment to feedback and participation of a wide variety of community partners in the development of their agency policies and priorities. Rare among agencies, the county has cultivated a wide variety of partnerships working to address housing and other systemic issues related to poverty. These community partnerships can ensure that community members feel the office is accessible and open.

3. Affirmatively Furthering Fair Housing

The duty of agencies as outlined in federal regulations to affirmatively further fair housing goes beyond communication of fair housing laws. According to regulations,

“Affirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development.” 4 C.F.R. § 5.152.

As discussed, Kaua‘i did take some steps to analyze some impediments to fair housing. Kauai reviewed demographic data of program participants, and concluded there was no over-representation of any particular group. While the agency’s specific demographic analysis was not included, it is promising that the agency analyzed and considered such data. In particular, the agency identified reducing the concentration of poverty as a goal; the progress report specifically mentions that project-based vouchers will be selected in areas that deconcentrate poverty.

Kauai demonstrates a perfunctory systemic analysis, and a small step by the agency to take meaningful actions address areas of concentrated poverty. The agency submitted Ordinance 860, and detailed other review to remove barriers and systemic provision of housing. Overall, addressing and analyzing patterns of segregation, as well as identification of some impediments demonstrate an analysis on the level that federal regulations contemplate. Better analysis of demographic or neighborhood living patterns or analysis of poverty or concentrations of projects or voucher holders will further assist that Kaua‘i in taking meaningful actions to affirmatively further fair housing.

4. Agency Recommendations:

After reviewing the adequacy of documents, the following are recommendations or next steps that could be taken by agencies to demonstrate that their documentation includes a commitment to fair housing. The recommendations are designed to 1) provide recommendations to ensure that documents meet minimum compliance; and 2) provide recommendations on how agency documentation can better demonstrate the agency’s commitment to affirmatively furthering fair housing. These recommendations are confined specifically to address the documentation and dissemination of written policies

4.1 Fair Housing Rules Policy Document Recommendations:

Finalize documents to clarify that agency policies are current to state law.

As discussed previously, *The Kaua‘i County Housing Agency Administrative Plan for the Housing Choice Voucher Program (2017)* (“PHA Administrative Plan”) was developed to include reference only to Federal policies. While the document includes some inserted references to state law, it is part of a tracked changes section that could be better clarified for use.

4.2 Policy Communication and Dissemination

Update the Kaua‘i County Family Handbook to include explicit discussion of Fair Housing Polices, Rights and Responsibilities.

The Kaua‘i County Family Handbook is a resources for families that could be better used to disseminate and train individuals on Fair Housing rights and responsibilities. The only documentation of fair housing polices appears to be in the internal PHA Administrative plan. User-friendly documentation that includes state specific polices of fair housing rights will help to demonstrate and improve county policy compliance. The handbook can act as training materials and be used by a variety of individuals and service organizations.

Update the Website to include user-friendly discussions of Fair Housing and access to forms for request for interpretation and reasonable accommodations.

The agency website provides a list of all applicable legal authorities for fair housing. Some of the list items include website links to those statutes; others do not provide links but only the legal citation. A user-friendly discussion of fair housing laws rather than citations and links to applicable statues would provide better assessible information to individuals without legal training looking for information. Additionally, downloadable forms or other procedural documentation could assist individuals in asserting their fair housing rights.

Update the Kaua‘i County Family Handbook to include Language Access discussion.

The Kaua‘i County Family Handbook is a resources for families that could be better used to disseminate and train individuals on Fair Housing rights and responsibilities. The handbook can act as training materials and used by a variety of individuals and service organizations.

4.3 Language Access

Ensure that the Language Access Reporting Tool is used, and use is documented.

Dissemination, training, and use of the Language Access Reporting tool is critical to document by state agencies. Absent documentation of the use of this reporting tool, it is difficult for the county to prove that the required analysis under state law is completed and then adhered to.

Create a Language Access Plan specific to County needs.

The Language Access Plan did not include an implementation plan. Each county may have different population(s) using and accessing services. Written documentation to demonstrate that the County uses the Language Access Tool and collects data on the encounters with limited English proficiency (“LEP”) individuals would better tailor services to languages most

encounter. A tailoring of policies will ensure that staff as well as the public are informed about resources available, as well as document that the necessary analysis required under state law has been completed.

Host quarterly listening sessions including outreach to each of the top 3 needed languages.

Listening session would allow invite specific input from consumers/residents about procedures and knowledge of fair housing, and act as a way to document steps taken by the county to address fair housing in general.

4.4 Affirmatively Furthering Fair Housing

Create documentation of the Agency's policy to locate and site new housing in areas to deconcentrate poverty.

The policy goal of the agency to locate housing choice voucher projects in areas of deconcentrated poverty could be better bolstered by individuals [sorry—can't help with this one! I trust whatever language you come up with!]

Provide better documentation of systemic analysis completed in accordance with federal law.

County documents indicate the agency reviewed demographic data of program participants, and concluded there was no over-representation of any particular group, but there was limited documentation of this analysis. Additionally, the agency identified reducing the concentration of poverty as a goal; the progress report specifically mentions that project-based vouchers will be selected in areas that deconcentrate poverty. Better written documentation or training on this specific systemic analysis will help to demonstrate compliance with the federal mandate.

Provide documentation and communication around affirmatively furthering fair housing rather than only fair housing compliance.

The goal of affirmatively furthering fair housing creates a lens for which housing is evaluated by the agency. Better documentation of this lens, such as policy documents that individually include this analysis as a step. Policy documents that focus solely on rights and responsibilities to meet minimum compliance should also include documentation of the agency's commitment to a systemic review to address social equity.

APPENDIX A:
Fair Housing Assessment Survey Instrument

December 6, 2019 (emailed to 6 agencies)
Hawai'i Housing Employee Anonymous Survey

This survey was sent to you because you are employed at or affiliated with an agency that receives federal funding from the Department of Housing and Urban Development. Your employer has a contract with the University of Hawai'i at Mānoa to create this survey as part of the state's, "Analysis of Impediments to Fair Housing." Your participation is important because the results of this survey will help to improve access to housing throughout Hawai'i. This survey evaluates your knowledge of fair housing law in order to inform future workplace training programs.

Project Description – Activities and Time Commitment: Participants will answer the survey online using SurveyMonkey. Survey questions are multiple-choice and fill in the blank. Completion of the survey will take approximately 10-20 minutes. It is recommended that you complete the survey in one session if possible, but if you cannot you can return to complete the survey within the deadline. The deadline to complete this survey is midnight Friday December 13th, 2019.

Confidentiality and Privacy: This survey is anonymous. We will not ask you to provide any personal information that could be used to identify you. Likewise, please do not include any personal information, such as your name, in your survey responses.

Benefits and Risks: When you complete the survey, you will be eligible to win an AMEX gift card (\$50) by random drawing. Entry to win will be optional at the end of the survey and that information will be stored separately to protect your anonymity. Although you may not be compensated for your participation, your answers to the survey questions and knowledge will contribute to a better understanding of access to housing in Hawai'i. There is little risk to you in participating in this project because it is anonymous. No responses will be attributed to you personally.

Voluntary Participation: Participation in this project is highly recommended for all employees and it is voluntary. You can freely choose to participate or not to participate in this survey, and there will be no penalty or loss of benefits for either decision.

Questions: If you have any questions about this survey, you can contact the Principal Investigator, Dr. Philip Garboden at 808-956-7383 or pgarbod@hawaii.edu. If you have any questions about your rights as a participant, you can contact the UH Committee on Human Studies at 808-956-5007 or uhirb@hawaii.edu.

I consent to participate in this survey.

OK

Part A: The survey questions in this section will provide information for future training in your workplace about fair housing law and discrimination.

A1. How long have you worked in your current position?

- a) Less than a year
- b) 1 to 2 years
- c) 3 to 5 years
- d) 6 to 9 years
- e) 10 to 14 years
- f) 15 to 19 years
- g) 20 to 24 years
- h) 25 to 29 years
- i) 30 to 34 years
- j) 35 to 39 years
- k) 40 or more years

A2. How long have you worked for your agency?

- a) Less than a year
- b) 1 to 2 years
- c) 3 to 5 years
- d) 6 to 9 years
- e) 10 to 14 years
- f) 15 to 19 years
- g) 20 to 24 years
- h) 25 to 29 years
- i) 30 to 34 years
- j) 35 to 39 years
- k) 40 or more years

A3. Select ALL the languages that you speak fluently or can use to have a conversation?

- a) English
- b) Hawaiian
- c) Chinese (Cantonese)
- d) Chinese (Mandarin)
- e) Japanese
- f) Ilocano
- g) Tagalog
- h) Visayan (Cebuano)
- i) Korean
- j) Thai
- k) Vietnamese
- l) Palauan
- m) Chamorro

- n) Chuukese
- o) Kosraean
- p) Marshallese
- q) Pohnpeian
- r) Samoan
- s) Tongan
- t) Yapese
- u) French
- v) Spanish
- w) German
- x) Russian
- y) American Sign Language
- z) Other language(s) (specify): _____

A4. Have you ever received training about fair housing policies?

- a) Yes, I received training in my current workplace
- b) Yes, I received training outside of my current workplace
- c) All of the above
- d) No

A5. How important is fair housing law for your everyday duties at work?

- a) Extremely important
- b) Very important
- c) Moderately important
- d) Not at all important

A6. Do you know the office or person to contact if you hear about or receive a complaint about a fair housing violation or illegal discrimination?

- a) Yes
- b) No

Please name the person or office you should contact: _____

A7. Define discrimination in your own words: _____

This section of Part A presents some questions related to fair housing laws. Fair housing can be open to interpretation, so please give us what you believe is the best answer for the information provided.

A8. Housing discrimination is illegal and prohibited when it is based on (select ALL that apply):

- a) Age
- b) Citizenship
- c) Credit History
- d) Criminal Record
- e) Disability
- f) Familial Status
- g) Family Size

- h) Income
- i) Marital Status
- j) Military Service
- k) National Origin
- l) Race/Ethnicity
- m) Religion
- n) Rental History
- o) Sex
- p) State Residency
- q) None of the above

A9. According to fair housing law, is it illegal discrimination if a landlord refuses to rent a unit to an applicant because her references say she has a history of mental illness?

- a) Yes b) No c) Don't know

A10. Is it illegal discrimination if a landlord falsely informs an applicant that a rental apartment is no longer available because the applicant is a Jehovah's Witness and the landlord thinks other tenants in that building would not want to be contacted by Jehovah's Witnesses to become members of that religious group?

- a) Yes b) No c) Don't know

A11. Is it illegal discrimination in Hawaii to make, print or publish any notice, statement or advertisement with respect to the rental of an apartment that indicates Section 8 or Housing Choice voucher holders should not apply?

- a) Yes b) No c) Don't know

A12. Is it illegal discrimination to use different credit rating standards for a married couple than a single woman when selecting tenants?

- a) Yes b) No c) Don't know

A13. Is it illegal discrimination to discourage the purchase of a dwelling for someone who is from another country?

- a) Yes b) No c) Don't know

A14. Does fair housing law in Hawaii apply to a private landlord who is selecting tenants for a room in his or her own house?

- a) Yes b) No c) Don't know

A15. Is it illegal discrimination to select roommates based on their gender when renting an apartment?

- a) Yes b) No c) Don't know

A16. Is it illegal discrimination to only place families with children in the section of the building without outdoor balconies because the balconies in the other section are unsafe for children?

- a) Yes b) No c) Don't know

A17. Is it illegal discrimination when a landlord in Hawaii waives the security deposits for military members because the landlord believes they are reliable tenants, but the apartments were advertised to the general public and non-military members would need to pay a security deposit?

- a) Yes b) No c) Don't know

A18. Does it violate fair housing requirements to fail to provide an interpreter to non-English or limited-English speaking applicants, who have difficulty reading, writing, speaking or understanding English, at the time of renewing their lease in a public housing development?

- a) Yes, the interpreter should be paid for by the tenant
b) Yes, the interpreter should be provided by the public housing agency at no cost to the tenants
c) No
d) Don't know

A19. Does it violate fair housing requirements if a landlord delays repairs for a tenant's apartment because that tenant has an ongoing fair housing complaint (unrelated to the repairs needed) filed against the landlord?

- a) Yes, it could be retaliation b) No c) Don't know

A20. Must housing providers make reasonable accommodations and allow reasonable modifications to be made in a timely manner for tenants with disabilities?

- a) Yes b) No c) Don't know

A21. Are you aware of any fair housing complaints or lawsuits in Hawai'i in the past 5 years?

- a) Don't know
b) Yes. Please specify and how you heard about it/them (optional):

Part B has scenarios for you to read and evaluate regarding both their legality and how often they occur. Some scenarios may not be relevant to your work, but test general knowledge of fair housing law. Fair housing violations are not always obvious, so please give your best answer for the information provided and there is space for you to add optional comments. The names in the scenarios were chosen at random and any similarity to real people is purely coincidental.

Scenario 1: Kevin is the landlord of a Kupuna apartment complex for elderly tenants. He avoids selecting applicants who have young children because he wants it to remain a quiet place.

B1i. Did Kevin violate fair housing law in Hawai'i?

- a) Yes, it is likely
b) No, it is unlikely

c) Don't know

B1ii. How often do you think this scenario happens in Hawai'i?

a) Regularly b) Occasionally c) Rarely d) Never

Scenario 2. When Rumika, an employee at a housing agency, receives a phone message from a local 808 area code that asks about Section 8 (or Housing Choice) vouchers, she calls them back first. Rumika has seen data that shows that many vouchers in her program are assigned to people not from Hawai'i. Her county demographics do not reflect that large of a percentage, so Rumika feels it is her duty to try to make sure that the public housing goes to those that reflect the demographics from the local community in Hawai'i.

B2i. Did Rumika violate fair housing law in Hawai'i?

a) Yes, it is likely

b) No, it is unlikely

c) Don't know

B2ii. How often do you think this scenario happens in Hawai'i?

a) Regularly b) Occasionally c) Rarely d) Never

Scenario 3. Tia is an employee at a housing agency and she thinks that many of the vacant units in public housing are going to Micronesian families in Hawai'i. She meets a Micronesian family that needs to take action to continue their program eligibility, but the family needs an interpreter. Tia sends a written letter in English to them that has a phone number at the bottom that tells them how to get an interpreter.

B3i. Did Tia violate fair housing law in Hawai'i?

a) Yes, it is likely

b) No, it is unlikely

c) Don't know

B3ii. How often do you think this scenario happens in Hawai'i?

a) Regularly b) Occasionally c) Rarely d) Never

B3iii. How often do you think that private landlords in Hawai'i provide interpreters when tenants who have limited English fluency need to sign a lease agreement?

a) Regularly b) Occasionally c) Rarely d) Never

Scenario 4. Roman is an employee at a housing agency and will be meeting with some tenants to discuss maintenance repairs to their unit. Roman is aware that a Chuukese/English translator was needed for the meeting. Roman tells the tenants to bring their son, who is able to speak both English and Chuukese, rather than hiring an interpreter.

B4i. Did Roman violate fair housing law in Hawai'i?

- a) Yes, it is likely
- b) No, it is unlikely
- c) Don't know

B4ii. How often do you think this scenario happens in Hawai'i?

- a) Regularly b) Occasionally c) Rarely d) Never

Scenario 5: Aiko is a manager of an apartment building. Many of her previous tenants have been Marshallese, they often had extended family that would regularly have gatherings at their apartment or come to live with them. This frequently led to excess wear and tear, so Aiko charges a higher security deposit for Marshallese families.

B5i. Did Aiko violate fair housing law in Hawai'i?

- a) Yes, it is likely
- b) No, it is unlikely
- c) Don't know

B5ii. How often do you think this scenario happens in Hawai'i?

- a) Regularly b) Occasionally c) Rarely d) Never

Scenario 6: Kal is a landlord who receives several requests for repairs to apartment units. He recognizes one address because he has made several repairs to the same unit. Last time Kal went to repair the unit, the tenant was talking to herself and her behavior seemed agitated. Kal avoids making the repairs to the unit because he believes the tenant caused the damage. Instead, he prioritizes other tenants' maintenance requests.

B6i. Did Kal violate fair housing law in Hawai'i?

- a) Yes, it is likely
- b) No, it is unlikely
- c) Don't know

B6ii. How often do you think this scenario happens in Hawai'i?

- a) Regularly b) Occasionally c) Rarely d) Never

Scenario 7: Lilly is a property manager for housing subsidized through the federal low-income housing tax credit (LIHTC). She refuses the reasonable accommodation to build a wheelchair ramp to the first floor rental apartment of a tenant with a disability. Lilly was told by her other tenants that they would not like how it looks.

B7i. Did Lilly violate fair housing law in Hawai'i?

- a) Yes, it is likely
- b) No, it is unlikely

c) Don't know

B7ii. How often do you think this scenario happens in Hawai'i?

a) Regularly b) Occasionally c) Rarely d) Never

B7iii. Who is responsible to pay for the wheelchair ramp and then remove it when the tenant with a disability moves out of the rental apartment?

a) The tenant with a disability b) The property owner c) A state housing agency d) Don't know

Scenario 8. Lisa is a landlord of an apartment building. She refuses to renew Bob's lease because other tenants have complained that Bob seems to have a mental illness and damaged some chairs by the pool.

B8i. Did Lisa violate fair housing law in Hawai'i?

a) Yes, it is likely

b) No, it is unlikely

c) Don't know

B8ii. How often do you think this scenario happens in Hawai'i?

a) Regularly b) Occasionally c) Rarely d) Never

Scenario 9. Susan has a diagnosed mental illness that makes it difficult for her to keep her apartment clean and organized. In the past few months, her unit has gotten very dirty and has been overrun with cockroaches. She asks her landlord, Ronald, to hire an exterminator. Ronald says the reason for the cockroach problem is that Susan does not keep her unit clean enough and is therefore in violation of her lease, so he sends her a notice of eviction.

B9i. Did Ronald violate fair housing law in Hawai'i?

a) Yes, it is likely

b) No, it is unlikely

c) Don't know

B9ii. Would allowing a resident to maintain a dirty apartment be considered a "reasonable accommodation" of a disability, even if it causes damage to the unit?

a) Yes b) No c) Don't know

B9iii. How often do you think this scenario happens in Hawai'i?

a) Regularly b) Occasionally c) Rarely d) Never

Scenario 10: Keola is a director of an emergency shelter for those who are homeless. When people come to the shelter, he asks them if they have any physical disabilities because he wants to screen them to select those who can lift their mattress off the floor for cleaning.

B10i. Did Keola violate fair housing law in Hawai‘i?

- a) Yes, it is likely
- b) No, it is unlikely
- c) Don’t know

B10ii. How often do you think this scenario happens in Hawai‘i?

- a) Regularly b) Occasionally c) Rarely d) Never

Scenario 11: Lori has a service dog that notifies her when she has to take her insulin. The landlord tells Lori that she will be evicted if she keeps the dog because she never disclosed that she had a service animal prior to signing the lease and there are no pets allowed in the apartment complex.

B11i. Did Lori’s landlord violate fair housing law in Hawai‘i?

- a) Yes, it is likely
- b) No, it is unlikely
- c) Don’t know

B11ii. How often do you think this scenario happens in Hawai‘i?

- a) Regularly b) Occasionally c) Rarely d) Never

Scenario 12. Rissa lives alone in an apartment. When her boyfriend visits, the couple frequently argues and the neighbors have had to call the police several times because of domestic violence. The property manager tells Rissa that her boyfriend is making trouble and is not allowed in the apartment complex. The boyfriend returns to Rissa’s apartment, her neighbors make a noise complaint, and later Rissa receives an eviction notice.

B12i. Did Rissa’s property manager violate fair housing law in Hawai‘i?

- a) Yes, it is likely
- b) No, it is unlikely
- c) Don’t know

B12ii. How often do you think this happens scenario in Hawai‘i?

- a) Regularly b) Occasionally c) Rarely d) Never

Scenario 13. Charmaine has been diagnosed with cancer and requires a caregiver while she undergoes treatment and recovers from her surgery. Charmaine’s daughter moves in as a caregiver, along with her husband and two young children. Charmaine receives a notice of eviction from her landlord stating that she is violating the rules of her lease by having more than one occupant in her apartment.

B13i. Did Charmaine’s landlord violate fair housing law in Hawai‘i?

- a) Yes, it is likely
- b) No, it is unlikely
- c) Don't know

B13ii. How often do you think this scenario happens in Hawai'i?

- a) Regularly b) Occasionally c) Rarely d) Never

Scenario 14. Christina is transgender (male to female), wearing a dress, and selects “female” on the application form for a rental apartment. The property manager asks to see a photo identification, which is his standard practice. Christina's driver's license still lists her as a “male” (her sex at birth) named Christopher (her birth name). Because the property manager cannot verify the applicant's identity, he refuses to accept the application.

B14i. Did the property manager violate fair housing law in Hawai'i?

- a) Yes, it is likely
- b) No, it is unlikely
- c) Don't know

B14ii. How often do you think this scenario happens in Hawai'i?

- a) Regularly b) Occasionally c) Rarely d) Never

Scenario 15: James is a realtor with a client looking to purchase a 3-bedroom 2-bath single family home. Because the family is White/Caucasian, James chooses to only show them homes in neighborhoods where he believes they will be safer and more accepted. He avoids showing them homes in neighborhoods where he believes "haoles" will not be welcomed.

B15i. Did James violate fair housing law in Hawai'i?

- a) Yes, it is likely
- b) No, it is unlikely
- c) Don't know

B15ii. How often do you think this scenario happens to racial/ethnic groups in Hawai'i?

- a) Regularly b) Occasionally c) Rarely d) Never

B16. What aspects of fair housing law would you like to learn more about in a workplace training program? Please specify: _____

B17. What are other scenarios you believe regularly occur in Hawai'i that violate fair housing laws that were not in this survey? Please describe:

Part C. This final section (Part C) has survey questions about your sociodemographic background and asks for your feedback. These questions are important for us to know the protected classes represented at different agencies. Even if a question is unique to you at

your agency, your anonymity will be protected. We will never report any information that could be linked back to you or any specific individuals.

C1. What is your age?

- a) 18 – 29 years
- b) 30 – 39 years
- c) 40 – 49 years
- d) 50 – 59 years
- e) 60 – 69 years
- f) 70 + years
- g) Prefer not to answer

C2. What is your gender?

- a) Male
- b) Female
- c) Non-binary/third gender
- d) Prefer not to answer
- e) Prefer to self-describe (specify): _____

C3. What is your race/ethnicity? For those who are multiracial, please select ALL that apply and type a specific response if applicable.

- a) Black or African American
- b) Chinese
- c) Filipino
- d) Japanese
- e) Korean
- f) Latino/Hispanic
- g) Native American/American Indian or Alaska Native
- h) Native Hawaiian
- i) White/Caucasian
- j) Other (specify): _____

C4. What is the highest degree or level of schooling that you have completed? Specify type of degree.

- a) Less than a high school diploma

- b) High School Diploma
- c) GED (General Equivalency) or High School Proficiency Exit Exam
- d) Associate Degree (e.g., A.A.) (specify): _____
- e) Some College (no degree)
- f) Bachelor's Degree (e.g., B.A., B.S.) (specify): _____
- g) Master's Degree (e.g., M.A., M.S.) (specify): _____
- h) Doctorate Degree (e.g., Ph.D., Ed.D.) (specify): _____
- i) Law Degree (e.g., J.D.)
- j) Other Professional Degree (e.g., M.D., D.D.S) (specify):

C6. Do you have a disability?

- a) Yes
- b) No
- c) Prefer not to answer
- d) (Optional) Specify disability: _____

C6. What country were you born in? _____

C7. Were you born in Hawaii?

- a) Yes b) No

C8. How long have you lived in Hawaii?

- a) Less than a year
- b) 1 to 5 years
- c) 6 to 10 years
- d) 11 to 20 years
- e) 21 to 30 years
- f) 31 to 40 years
- g) 41 to 50 years
- h) 51 or more years

C10. What is your marital status?

- a) Single (never married)
- b) Married
- c) Cohabiting, Domestic Partnership or Civil Union
- d) Widowed
- e) Divorced

- f) Separated
- g) Prefer not to answer

C12. How many children do you have?

- a) 0
- b) 1
- c) 2
- d) 3
- e) 4
- f) 5
- g) 5 or more
- h) Prefer not to answer

C11. What is your annual household income?

- a) Less than \$20,000
- b) \$20,000 to \$34,999
- c) \$35,000 to \$49,999
- d) \$50,000 to \$74,999
- e) \$75,000 to \$99,999
- f) \$100,000 or more
- g) Don't know
- h) Prefer not to answer

C13. Is there anything else that you would like to give us feedback about (your thoughts, comments, or concerns)? _____

Thank you very much for completing this survey! Are you interested in being eligible for the random drawing to win a \$50 American Express (AMEX) gift card (the anonymity of your responses will remain protected)? A) Yes (provide your email address):

APPENDIX B:
List of Documents Reviewed

Draft CAPER 2018

Consolidated annual performance and evaluation report

2018-Residential-Landlord-Tenant-Handbook

Handbook for the Hawaii residential landlord-tenant code, based upon the Hawaii Revised Statutes, Chapter 521

2019 HCV Income Limits

Section 8 division income limits based on family size. Effective April 1, 2019.

2019 Payment Standards&Fair Market Rent

Arranged by bedroom size. Effective January 1, 2019.

2020 PHA PLAN rev - HCV only

Revised 5 year plan for Housing Choice Voucher program. Expired February 29, 2016.

2020-2024 5-YEAR PHA PLAN rev - all PHAs

5 year plan submission. Expired February 29, 2016.

CAPER 2014

Consolidated annual performance and evaluation report, reporting period July 1, 2014 – June 30, 2015

CAPER 2015

Consolidated annual performance and evaluation report, reporting period July 1, 2015 – June 30, 2016

CAPER 2016 REVISED 11.01.17

Consolidated annual performance and evaluation report, reporting period July 1, 2016 – June 30, 2017

CAPER 2017

Consolidated annual performance and evaluation report, reporting period July 1, 2017 – June 30, 2018

Family Handbook as of January 2018

A guide for families participating in the housing choice voucher program. Revised September 10, 2017.

Housing Choice (Section 8) Vouchers Fact Sheet

Housing Choice Voucher program Admin Plan 080117

Administrative plan for the Housing Choice Voucher program. Adopted August 1, 2017.

Known Sec 8 Landlords as of March 2018

Includes contact information for affordable housing and realtors

Section 8 HCV Program Brochure Four fold Revised 040118

Brochure for Family Self Sufficiency Program (Section 8 Participants only)

Section 8 Voucher program Landlord Manual

Steps to avoid eviction brochure

Utility Allowance Schedules 2019

For multiple housing structures. Effective January 1, 2019.

Annual Action Plan 2015

Annual Action Plan, First Year Program. July 1, 2015 – June 30 , 2016.

Annual Action Plan 2016 Amended

Annual Action Plan, Fourth Year Program. July 1, 2018 – June 30, 2019; revised July 2018.

Annual Action Plan 2017 amended Oct

Annual Action Plan, third year program. July 1, 2017 – June 30, 2018; revised October 2018.

Annual Action Plan 2018 amended

Annual Action Plan, fourth year program. July 1, 2018 – June 30, 2019; revised October 2018.

Annual Action Plan 2019 amended

Annual Action Plan, fifth year program. July 1, 2019 – June 30, 2020.

Consolidated Plan 2015-2020

For program years July 1, 2015 – June 30, 2020.

Consolidate plan 2015-2020 amended march 2017

Substantial amendment to the County of Kaua‘i Consolidated Plan 2015-2020, for program years July 1, 2015 – June 30, 2020.

Ord 860 Bill 2202 New Chapter Housing Policy

A bill for an ordinance to establish a new chapter, Kaua‘i County code 1987, as amended, relating to the housing policy for the county of Kaua‘i