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ANALYSIS OF IMPEDIMENTS, 2009

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I. INTRODUCTION

Background

The United States Congress passed a variety of civil rights legislation in the 1960s prohibiting discrimination in the realms of education, public accommodation, employment, housing, and voting on the basis of race, religion or nationality. Title VIII of the Civil Rights Act, known as the Fair Housing Act, specifically prohibits discrimination in housing for reasons of race, religion, gender, national origin, familial status or disability. For a glossary of terms, please refer to Appendix B.

The Department of Housing and Urban Development (HUD) requires states and entitlement communities receiving federal funding from Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) and Emergency Shelter Grant (ESG) programs to certify that they are actively working to Affirmatively Further Fair Housing (AFFH). To certify that a state of community is affirmatively furthering fair housing, HUD requires that they (a) conduct an Analysis of Impediments to Fair Housing, (b) identify and implement activities aimed at overcoming the identified impediments, and (c) develop a system by which the activities undertaken to overcome the identified impediments may be monitored and documented.

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

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

Method

The County of Maui Department of Housing and Human Concerns contracted with SMS Research to prepare and conduct an Analysis of Impediments to Fair Housing Choice for the County. The objectives of the study included:

- Prepare a fair housing analysis of impediments for the County of Maui;
- Identify any impediments to housing choice;
- Establish a baseline measure from which to measure future change in AFFH status;
- Develop a plan to remove impediments identified in the analysis; and
- Provide the necessary support methodology and records reflecting the analysis and actions.

Housing Agency Interviews

The central data collection activity for the project covered all housing agencies and housing advocacy agencies in the County of Maui, including state and federal housing agencies that operate in the County. The inquiry was designed to identify impediments, measure incidence of impediments, and discuss the root sources of the impediments. SMS began this task with a set of person-to-person interviews with target agency personnel. A broad range of persons and agencies on all islands were contacted in order to cover all sources of information about impediments to housing choice.

SMS developed an open-ended, semi-structured interview protocol to guide these interviews. The subjects were asked to self identify housing choice impediments and to make any recommendations concerning overcoming those impediments.

Secondary Data

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

- Demographic data
- Income data
- Fair Housing complaint data
- Fair Housing testing data
- Home Mortgage Disclosure Act data
- Housing data
- Employment data
- Transportation data
- Education data

In 2009, data were again compiled on: (a) Maui County's population, economy, and housing supply, relying on the U.S. Census, State and County data, and survey data by SMS; (b) laws, policies, procedures and regulations shaping fair housing policy and practice in Hawai'i taken from public documents; (c) complaints and compliance with fair housing laws from fair housing complaint logs; (d) efforts by key agencies to assess the extent of discrimination, and ways in which they can minimize discriminatory actions; (e) information on housing choice, availability, and perceived discrimination from recent surveys in Hawai'i; and (f) accounts of housing access and availability problems by advocacy organizations.

Public Awareness Survey

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

SMS conducted a 12-minute telephone survey (see Appendix C) among a probability sample of Maui County households during the later part of 2009. The content of the survey was based on the User Survey¹ developed by the U.S. Department of Housing and Urban Development's

¹ U.S. Department of Housing and Urban Development, Office of Policy Development and Research. How Much Do We Know?; Public Awareness of the Nation's Fair Housing Laws, April 2002. See also HUD's website at www.huduser.org.

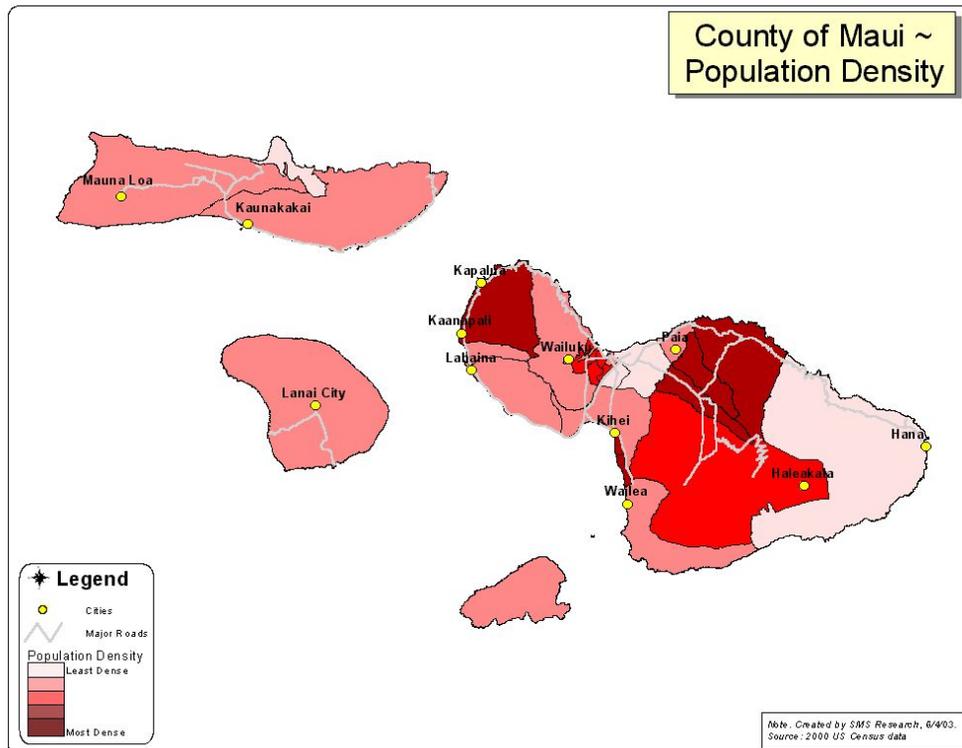
Office of Policy Development and Research (PD&R). The User Survey was designed to measure public awareness of fair housing laws. For the current study, modifications were made to the PD&R survey to include demographic information, indications of involvement in the housing market, any experience of discrimination in housing, and details of that experience.

SMS completed 402 interviews with residents of Maui County. The resulting survey data have an estimated sampling error of plus-or-minus 4.88 percentage points at the 95 percent confidence level.

II. DEMOGRAPHICS

Population Profile

Figure 1. Maui County Population Density



According to the U.S. Census Bureau, Maui County's 2007 Population made up about 11 percent of the population² of the State. In the middle of 2007, Maui was home to some 141,698 people who lived in about 64,900 households³.

That is an average of approximately 2.86 persons per household, consistent with the average for the State. About 85 percent of Maui County's population lived in family households and the remaining 15 percent lived in non-family settings. People living in family households also made up about 11 percent of all the family members in the State.

The population of Maui County grew by 10.6 percent between 2000 and 2007. That was notably faster than the growth rate for the State as a whole. The County has seen higher growth rates over the last twelve years and is forecast to continue as one of the State's faster growing counties in the next ten to twenty years.

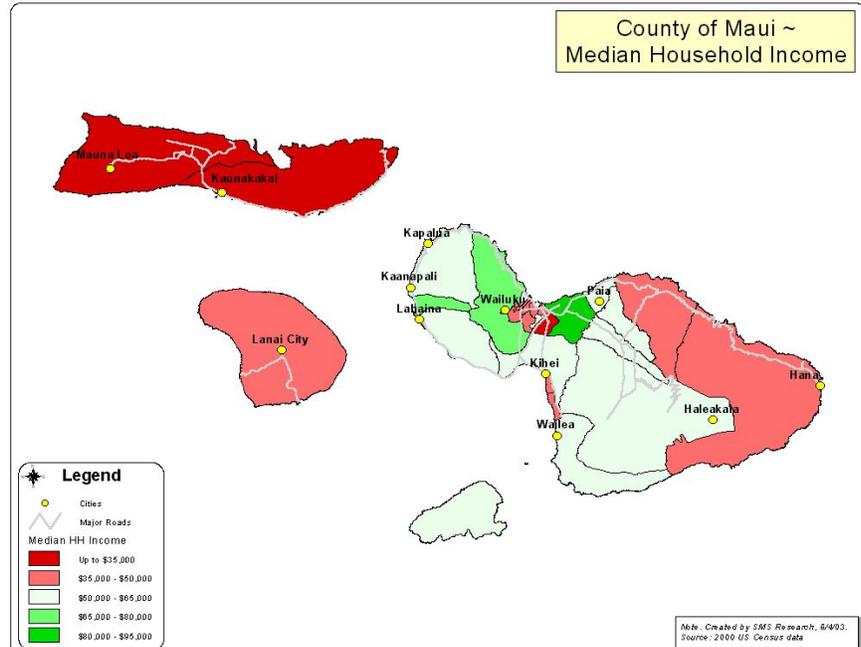
² U.S. Census Bureau, American Fact Finder, American Community Survey, 2006-2008 (ACS). Demographic data reported in this Study were taken from this three-year composite of ACS to maximize accuracy of the data.

³ A household is defined as a dwelling with two or more residents. Refer to Appendix D for larger scale demographic maps.

Income

Figure 2. Maui County Median Income Distribution

Maui's household income is high and grew substantially during this decade. The median household income for Maui County in 2007 was \$64,324; representing a 30 percent income growth since the 2000 Census. The State median for 2007 (\$66,034) grew just a bit faster since 2000. The household median income for Maui was 18 percent higher than the national median household income (\$52,175) for the same year, and its growth rate was five points better than the national average.



The figure above presents the geographic distribution of median household incomes in the County of Maui in 2007. Moloka'i had a large concentration of low-income (below \$35,000) persons. Wailuku had the highest concentration of high (\$75,000 to \$100,000) income households.

Maui's high and growing household income are offset by the data on poverty. In 2007, about 7.9 percent of all residents (11,194 persons) were living below federal poverty guidelines. That poverty rate is actually lower than for the State as a whole (8.8%) and notably lower than the nation (13.2%) as well. Maui's poverty rate has grown slightly since 2000 (2.6%), while poverty rates at the State and national levels have fallen over the same time period.

Linguistic Isolation

Figure 3. Concentration of Linguistic Isolation

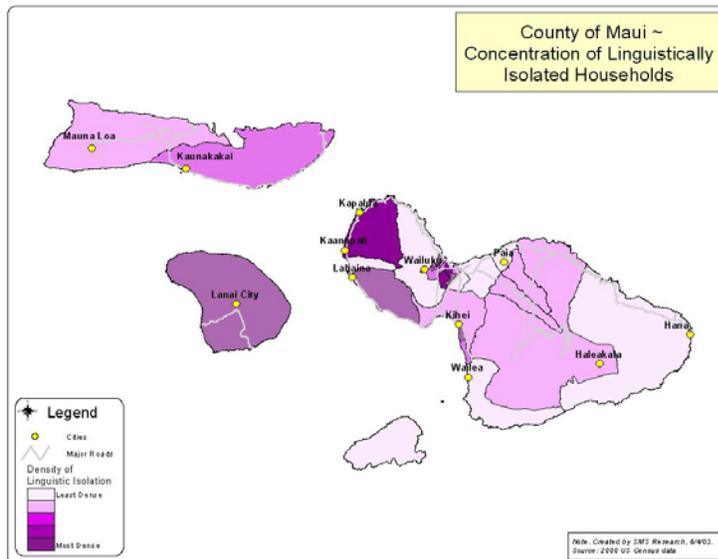


Figure 3 shows the distribution of linguistically isolated households in the County of Maui. Areas highlighted in dark purple had higher concentrations of linguistically isolated households in 2007. Those with light pink had fewer linguistically isolated persons. The term 'linguistic isolation' refers to households with a primary language other than Standard English and in which there are no members who

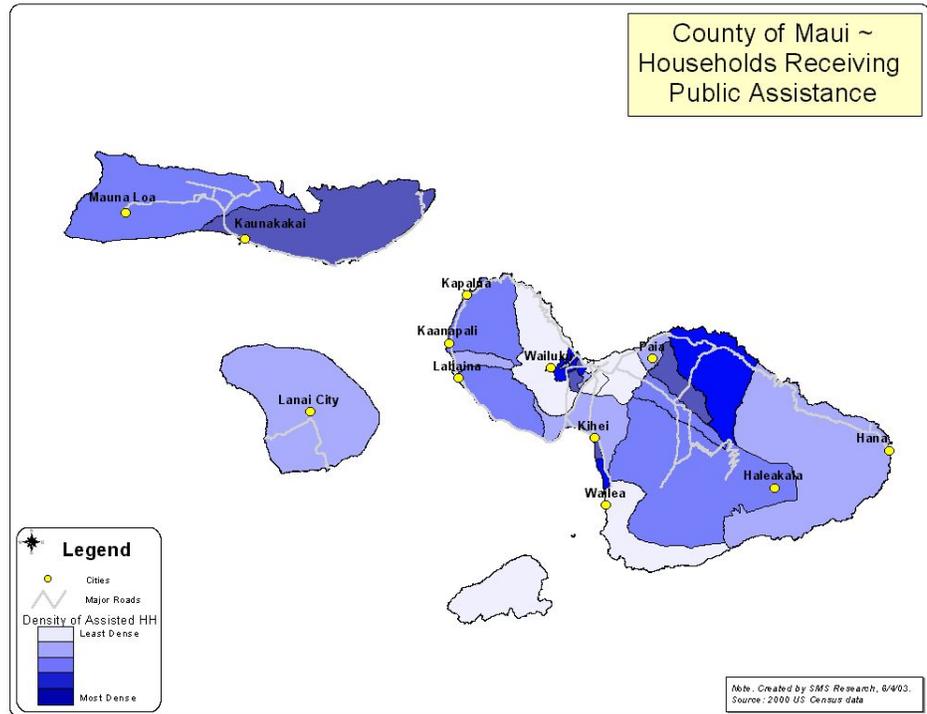
can speak Standard English. Overall, about 3.7 percent of Maui households are linguistically isolated. Asian languages were spoken in 77 percent of the County's linguistically isolated households, followed at a distance by Spanish (19%) and Indo-European languages (4%).

Maui had an estimated 1,800 linguistically isolated people in 600 households. But the number of Maui residents who might have problems reading or understanding rights and regulations related to the Fair Housing Law would be less a problem than in other Counties. Maui's linguistic isolations rate is 3.7 percent compared with 6.1 percent for the State as a whole and 4.8 percent of the nation.

Public Assistance

Household income levels and housing options are highly related. Households that receive public assistance income usually have severely limited housing options and often depend on public assistance for housing as well as other aspects of their livelihoods. In 2007, Maui County had a total of 2,732

Figure 4. Density of Households Receiving Public Assistance Income



households receiving public assistance (Figure 4). That was about 18 percent of all the public assistance recipients in the State – more than Maui’s eleven percent of the population.

Since the 2000 Census, the percent of the County’s households receiving public assistance was fairly stable – 3.4 percent to 3.6 percent. Public assistance payments across the State, however, fell from 7.2 percent in 2000 to 3.2 percent in 2007. Nationally, public assistance recipients dropped by more than a percentage point in the last seven years. So, while Maui’s median household incomes are high and growing, the number of householders who depend on public assistance payments is higher than the rest of the State and nation. More important, the rate is not dropping as it has been for the rest of the country.

III. MAUI COUNTY HOUSING MARKET

Tenancy

According to the 2000 U.S. Census, Maui County had 48,848 occupied housing units. Of these, more than half (58%) were owner occupied. The remaining 20,636 units were occupied by renters. The figures below show the distribution of owned and rented units in the County.

Figure 5. Density of Owner Occupied Housing Units

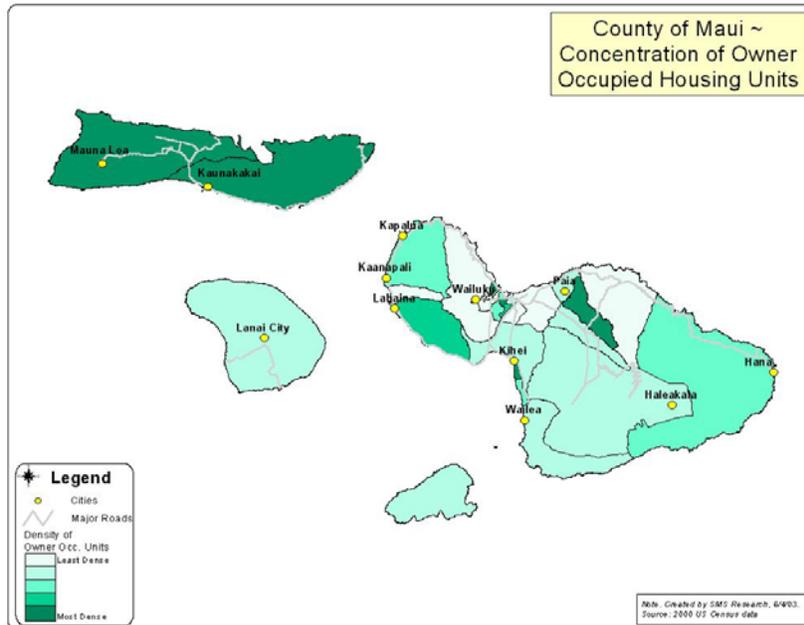
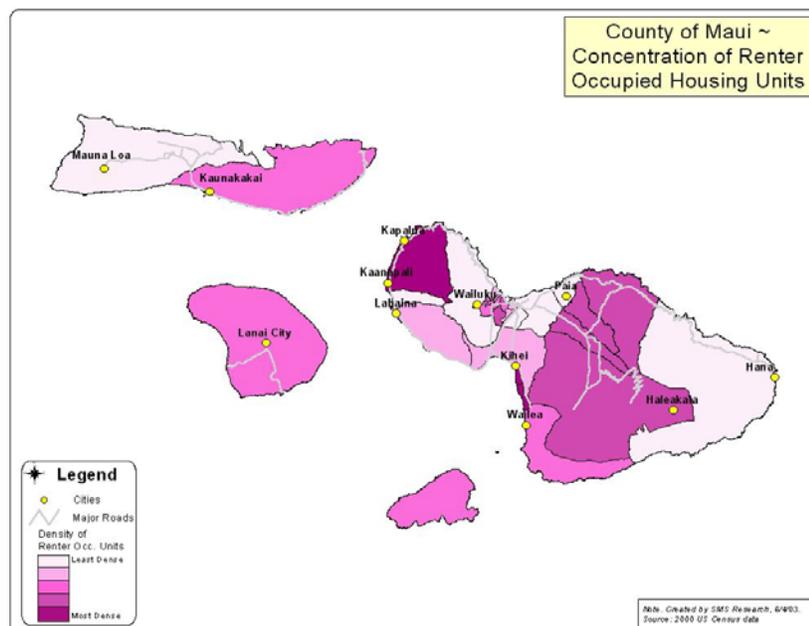


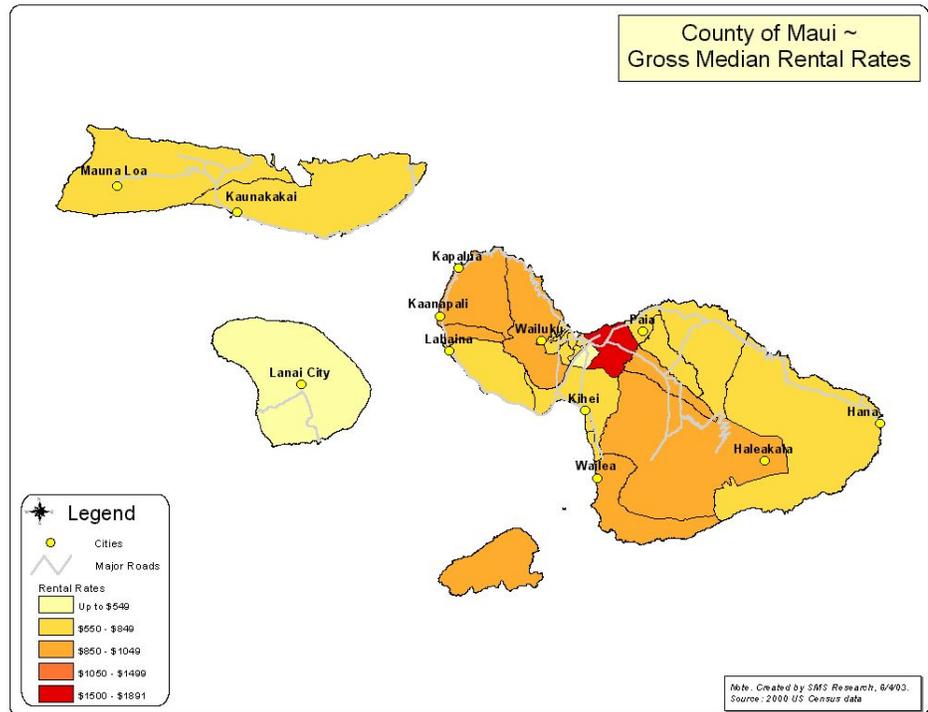
Figure 6. Density of Renter Occupied Housing Units



Median Gross Rent

Figure 7. Median Gross Monthly Rental Rates

Across the County of Maui, the median gross monthly rental rates range from \$500 to almost \$1,900 (Figure 7). Rents tend to be highest in the area between Paʻia and Wailuku on the northern coast of the island of Maui. Median rent amounts are lowest on the island on Lanaʻi.



These figures are in keeping with the published Fair Market Rents (FMR) for the County of Maui. Fair Market Rent for a studio apartment in Maui County is \$753 and the FMR for a four-bedroom unit is \$1,667. The FMR for Maui County are higher than those for any other county in the State of Hawaiʻi.

IV. FAIR HOUSING COMPLAINTS

The State of Hawai'i's fair housing law, HRS Chapter 515, applies to each of Hawai'i's counties. It prohibits discriminatory housing practices based on race, sex, color, religion, marital status, familial status, ancestry, disability, age, or HIV infection.

When state law is substantially equivalent to federal law, state agencies can enter into work share agreements with the Department of Housing and Urban Development (HUD). In Hawai'i, the Hawai'i Civil Rights Commission (HCRC) has such an agreement. As a result, HUD refers most complaints it receives to the HCRC for investigation. For a comprehensive summary of the Hawai'i Civil Rights Commission's caseload, refer to Appendix E.

Frequency of Complaints and Cases

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

A complaint is resolved through mediation between the parties involved or through court proceedings⁴. At present, a very small percentage of complaints filed result in a court case.

Fair Housing Testing

LASH conducts testing of fair housing practices in Hawai'i in three ways:

1. **Matched-Pair Tests:** LASH sends out two people to apply for the property, one of the protected class, one not of the protected class. In all other characteristics they are the same -- thus "matched". If one is offered the property and one is refused, then there is evidence of discrimination.

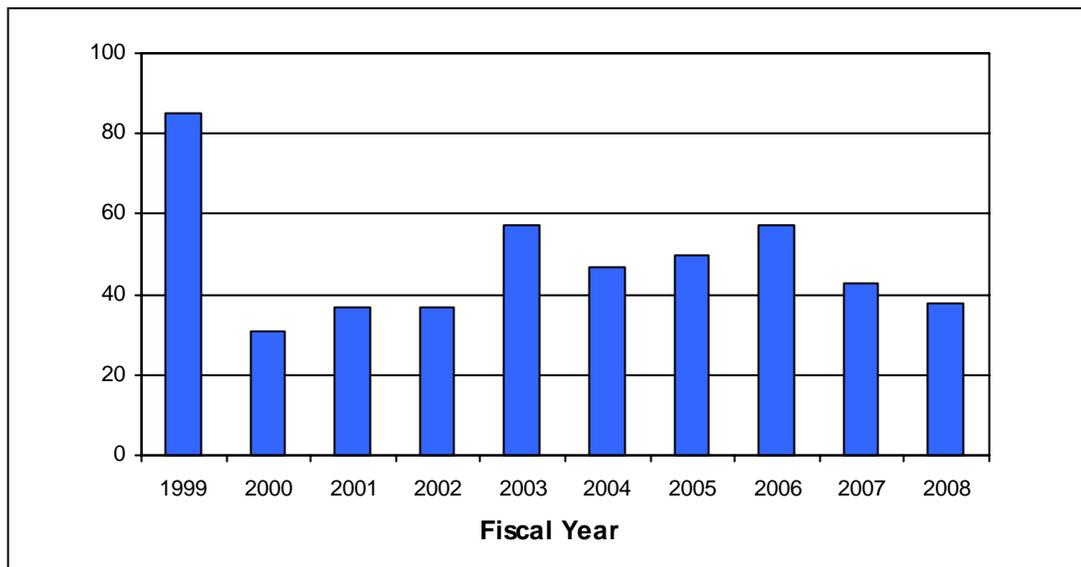
⁴ For a detailed outline of this process, refer to Appendix E.

2. **Measures Tests:** Tests applied to housing units constructed after 1991 that are designed to determine if units are ANCI and ADA compliant.
3. **Systemic Tests:** A new LASH initiative that recognizes that people tend to be clustered in certain areas and utilizes statistical tests to determine why that is the case.

Trends in Fair Housing Complaints

The number of housing complaints filed statewide varied considerably from year to year, as did the number of cases investigated. The number of complaints received in 1999 was nearly double the average for the years between 2000 and 2008. Not counting 1999, the total volume of housing discrimination cases brought before HCRC ranges between 30 and 60 per year. The year 2006 was one of the higher years and the number of cases investigated has dropped each year since then. The trend is consistent with the number of contacts that HUD and HCRC received during that time period. This statewide is not available at the county level right now, so we are not certain that the Maui County complaints follow the same pattern.

Figure 8. Volume of Housing Complaints, Hawai'i Civil Rights Commission



The trend is consistent with a housing market that is loosening up a bit. As rents stabilize or drop, and more units become available, perhaps there is less opportunity for discrimination and complaints fall off. Several of our informants felt that was the case in Maui County.

Table 1 compares HCRC caseloads for the four years (1999 to 2002) reported in the benchmark AI in 2004 and the seven years reported after that study (2003 to 2008). Because the two periods are of different lengths, we have provided the average number of incidents per year for comparison. The data show that the incidence of contacts, filings, and closures decreased in nearly every category. The exception was housing.

Table 1. Hawai'i Civil Rights Commission Cases

	FY 1999 – 2002			FY 2003 – 2008			Percent change
	total	avg/yr.	pct	total	avg/yr.	pct	
Contacts	15,297	3,824	100%	45,868	9,174	100%	140%
Charges Filed	2,590	648	100%	3,765	628	100.0%	-3%
Employment	2,253	563	87%	3,288	548	87.3%	-3%
Public accommodations	177	44	7%	168	28	4.5%	-36%
Housing	141	35	5%	292	49	7.8%	40%
State funded Services	19	5	1%	17	3	0.5%	-40%
Closures	1,982	496	100%	2,313	397	99.7%	-20%
Employment	1,602	401	81%	1,922	320	80.6%	-20%
Public accommodations	189	47	9%	163	27	6.8%	-43%
Housing	171	43	9%	284	47	11.8%	9%
State funded Services	21	5	1%	12	2	0.5%	-60%

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

While all other activities were decreasing, housing related activity grew. The number of housing complaints that rose to the level of charges filed increased from 35 cases per year before 2004 to 49 cases per year after 2004. That's an increase of 40 percent. The same was true for case closures. Fair Housing cases closed raised from 43 percent in the years before the benchmark to 47 per year afterwards – a growth rate of 16 percent.

It is clear that the number of civil rights complaints rose dramatically over the last five years. The number of complaints that ended in filed charges went down, perhaps the result of rapidly rising demand. The number of cases closed also drifted downward in the face of pressure on the system. But while all other numbers went down, the number of complaints that rose to the level of Fair Housing Law transgressions grew after 2004.

It is reasonable to counsel all counties to take a cautious approach to the changes in the HCRC caseload.

Types of Fair Housing Complaints

Fair Housing complaints are filed by HCRC according to eleven different classifications as shown in Table 2. Again, data are presented for cases filed before and after 2003. The distribution of reasons for filing changed very little over time. Complaints based on disability were most numerous, followed by race, familial status, and ancestry cases.

Table 2. Alleged Causes, HCRC Housing Cases Filed

Alleged Infraction	FY 1999 – 2002			FY 2003 - 2008		
	total	avg/yr.	pct	total	avg/yr.	pct
Disability	50	12.5	35.5%	107	17.8	36.6%
Race	19	4.8	13.5%	43	7.2	14.7%
Ancestry	17	4.3	12.1%	35	5.8	12.0%
Retaliation	16	4.0	11.3%	29	4.8	9.9%
Familial	18	4.5	12.8%	27	4.5	9.2%
Sex	6	1.5	4.3%	16	2.7	5.5%
Age	2	0.5	1.4%	10	1.7	3.4%
Marital	9	2.3	6.4%	10	1.7	3.4%
Color	3	0.8	2.1%	6	1.0	2.1%
Religion	0	0.0	0.0%	6	1.0	2.1%
Other	1	0.3	0.7%	3	0.5	1.0%
TOTAL	141	35.3	100.0%	292	48.7	100.0%

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

In some ways these findings are consistent with the outcomes of our discussions with fair housing experts in the county. They too felt that housing discrimination based on disability and familial status were the greatest causes for concern in Maui County. But they tended to say that discrimination based on race and ancestry was very rare in the County.

Reports of case settlements provide examples of the situations that give rise to complaints:

- *Disability:* After the case was settled, a condominium owner was given a reserved parking stall as an accommodation to his disability.
- *Familial Status:* In several cases, people showed that they were not allowed to see housing units or were denied rentals because the landlord did not wish to rent to families with children. In other cases, landlords and associations refused to allow children on the premises, citing conditions that were unsafe for children. Similarly, one family received

repeated warnings about excessive noise made by the children, and the apartment owner eventually refused to renew the lease. It was determined that the warnings were a pretext for evicting the family based on familial status, and the apartment owners had engaged in a pattern of action against families with children.

One landlord raised the rent after discovering that the tenant was pregnant. The case was resolved with affirmative relief plus monetary damages. In another case, two single men were not allowed to rent a house because the landlord was looking for a married couple or family to rent it. A similar case involved a single father with two children.

In a case involving religious practice, a homeowners' association ordered owners to remove a mezuzah from the doorframe of their own house, and threatened them with fines and eviction after they refused to remove it. The association further threatened a lawsuit if the homeowners were not silent about their complaints. Settlement of the case included changes in the association rules, training of association staff, an agreement that the mezuzah could remain in place, and a monetary payment.

Geographic Distribution of Cases

This year HCRC provided us with the distribution of charges filed by county. Table 3 shows that the County of Maui accounted for 10 percent of the 3,079 cases filed between 2003 and 2007. The figure is almost exactly proportional to the distribution of population in the State of Hawai'i. This suggests that incidents and reports leading to charges are equally distributed in the population, i.e., that there is little geographic variance in abuses or reporting.

Table 3. Distribution of Cases by Fiscal Years 1999 to 2007

	Charges Filed 1999 - 2002			Charges Filed 2003 - 2007			Population Distribution	
	total	avg/yr.	pct	total	avg/yr.	pct	count	share
County	2,558	639.5	100%	3,079	615.8	100%	1,211,537	0%
Hawaii	300	75.0	12%	358	71.6	12%	148,677	-1%
Honolulu	1,885	471.3	74%	2,276	455.2	74%	876,156	0%
Kauai	100	25.0	4%	135	27	4%	58,463	12%
Maui	273	68.3	11%	310	62	10%	128,241	-6%

V. PUBLIC AWARENESS SURVEY

A survey of 402 Maui residents was conducted between November 3 and November 19, 2009. Adult respondents were selected using a Random Digit Dialing (RDD) method. The survey instrument was based on a survey developed by the U.S. Department of Housing and Urban Development. It was designed to measure the level of awareness and nature of understanding of impediments to fair housing in Hawai'i.

Survey Scenarios

Survey respondents were presented with ten brief scenarios involving various real estate sales or rental practices that would be illegal under the federal Fair Housing Law. The scenarios are presented in Table 4. For each one, respondents were first asked whether they felt that practice should be legal or illegal in Maui County (ethics), and then they thought the practice was currently illegal according to Fair Housing Law (legality). Their responses to those questions are shown in Table 5.

Table 4. Fair Housing Awareness, Survey Scenarios

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

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

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

Table 5. Fair Housing Awareness, Maui County, 2003 and 2009

Sales or Rental Practice	Should not be permitted		Is now Illegal		Not sure of law	
	2003	2009	2003	2009	2003	2009
OK to sell only to Caucasians in Caucasian neighborhoods	75%	90%	77%	94%	30%	13%
OK to require higher down payment for Samoan Family	90%	91%	91%	90%	25%	21%
OK to reject an applicant because of religion	86%	85%	93%	91%	20%	19%
OK to advertise for "Christians Preferred"	57%	64%	84%	85%	25%	23%
OK to show Caucasians only homes in Caucasian areas *	13%	76%	14%	83%	23%	25%
OK to reject applicant for mental illness	51%	51%	74%	75%	38%	31%
OK to assign families with children to a segregated building	43%	39%	75%	73%	44%	38%
OK to refuse to allow wheelchair ramp construction	62%	59%	74%	68%	36%	37%
OK to reject an applicant because of poor housekeeping	20%	22%	53%	55%	43%	39%
OK to reject loan application for lack of steady income	-	17%	-	18%	-	23%

* Wording was changed in the 2009 version of the steering question

Only eight of the ten scenarios can be used to test the objectives. The steering question wording was changed for 2009 and the comparison is not meaningful. It was good to find that substantial majorities felt that steering was both inappropriate (76%) and illegal (83%). The last item, deny a loan based on the lack of a steady income, did not appear in the 2003 survey.

Results from the three research questions are summarized below:

Social Norms: The social norms improved for five of the eight sales and rental practices evaluated. The objective to raise the norm by four points or more was met for two items – selling only to the members of the dominant race in the neighborhood and discrimination based on religion. The social norm for 'segregating families with children' decreased by four percentage points.

Awareness: Lack of awareness dropped for six of the eight practices, and the objective was met for five of them. None of the items registered statistically significant decreases in awareness.

Correct Knowledge: The percentage of respondents who knew the correct answer to the legality question increased for four of the eight items. One of those – selling only to Caucasians in Caucasian neighborhoods – met the research objective. For one practice, refusing to allow the construction of a ramp for a wheelchair tenant, the percentage with the incorrect answer rose by four percentage points.

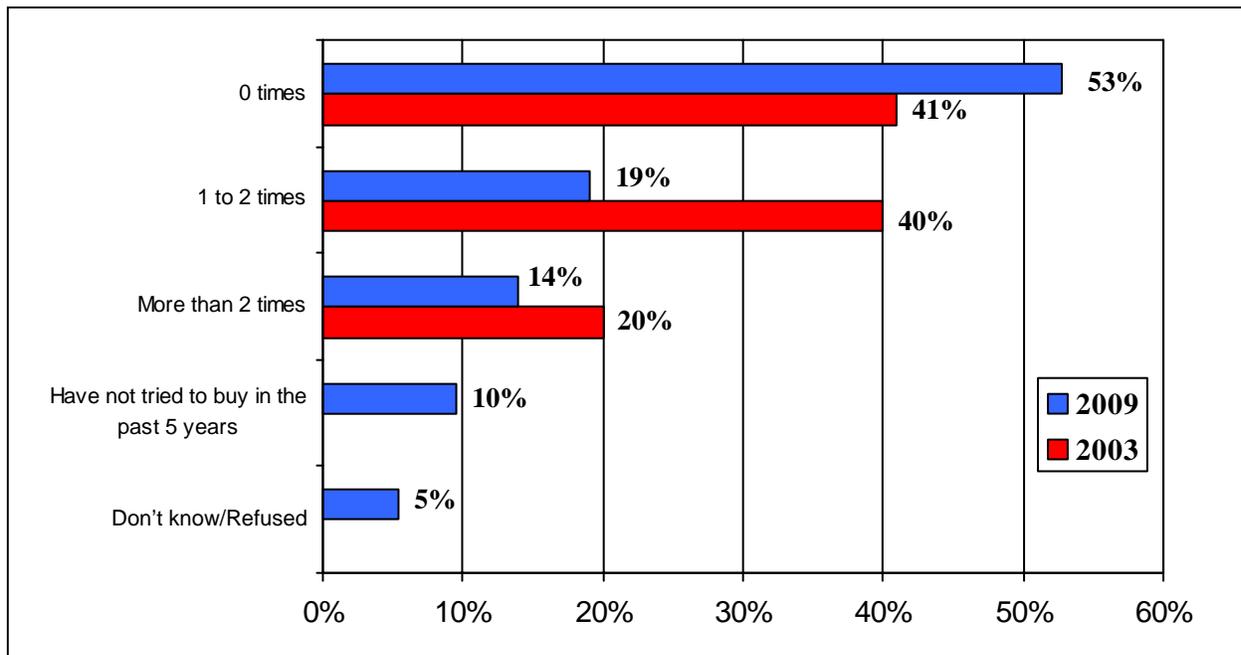
Overall, the awareness of Fair Housing Law in the County of Maui improved between 2003 and 2009. In all, there were 24 tests, three for each of the eight scenarios measured in both years. Of those 15 (63%) were either better or the same in 2003. Only three scenarios dropped by statistically significant margins. The level change was not great. Seven of the 24 tests (29%) increased by four percentage points or more.

The modest gains shown in Table 5 were to be expected. The County's 2004 Fair Housing Plan was not designed to dramatically increase public awareness of the law. The plan concentrated on training and education of real estate agents, property managers, and advocates for target groups. Large-scale changes in social norms and awareness usually occur in response to substantial print or broadcast advertising campaigns or to public exposure of actions brought against those who break the law.

Discrimination

Maui residents reported less discrimination in 2009 than in 2003. Fewer people reported discrimination and those who did reported fewer incidents. The survey asked everyone if they had experienced discrimination in the process of buying or renting a house or apartment on Maui in the last five years. In 2009, eighteen percent said they had experienced housing discrimination. That was down seven points since 2003.

Figure 9. Incidence of Housing Discrimination in Maui County, 2003 and 2009

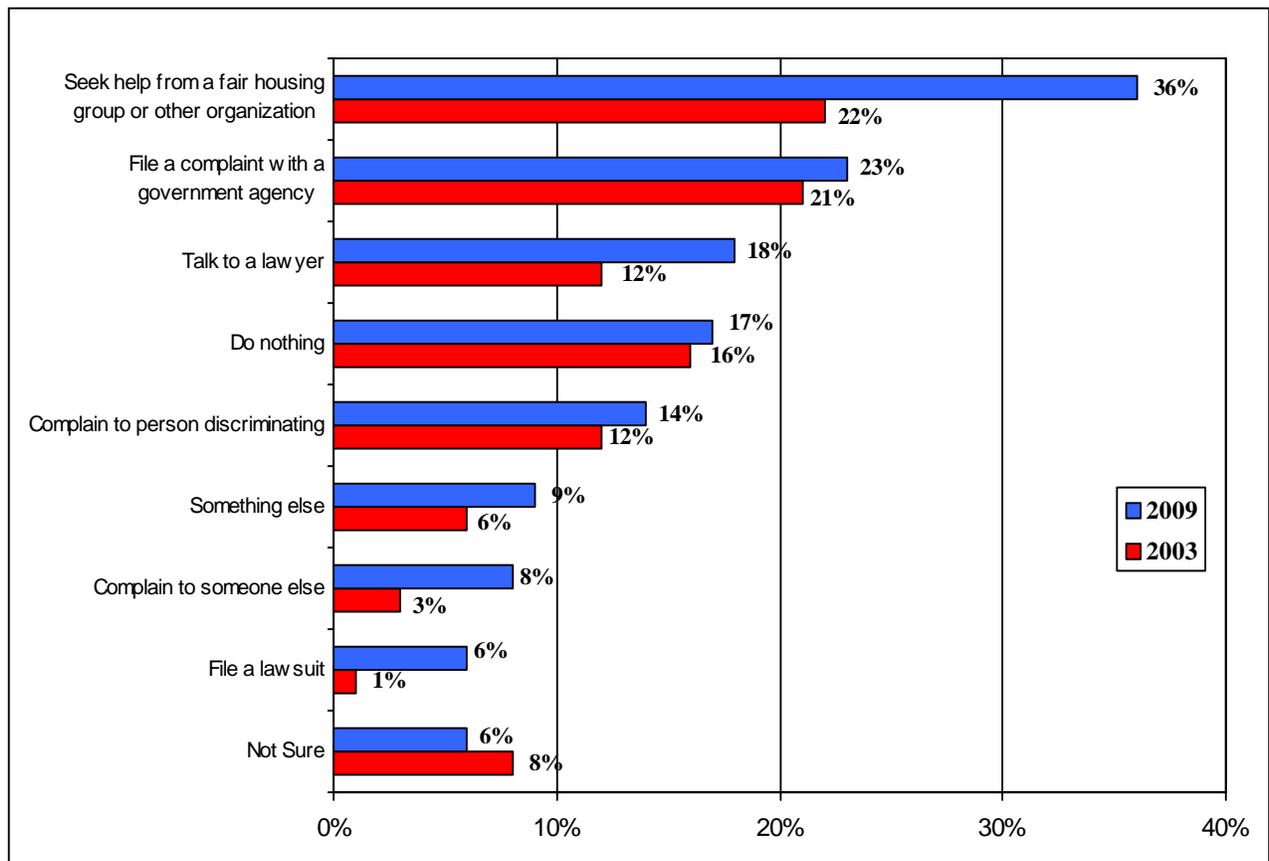


Among those who reported experiencing housing discrimination on Maui, fewer incidents were reported. In 2003, 40 percent said they experienced discrimination once or twice and 20 percent said it happened more often than that. In 2009 19 percent reported experiencing discrimination once or twice, and 14 percent said it happened more often than that.

Reaction to Discrimination

Whether or not they actually experienced it in 2009, Maui residents reacted more strongly to the possibility of housing discrimination. All survey respondents were asked what they would do if they felt a seller or renter was discriminating against them. Results are shown in Figure 9 for 2003 and 2009.

Figure 10. Reactions to Perceived Housing Discrimination, 2003 and 2009



* Multiple responses were permitted

In 2009, more respondents said they would take strong action against discrimination and more said they would try multiple approaches to the problem. Significantly more of the 2009 respondents said they would ask a fair housing or other advocacy group for help. More said they would consult a lawyer, and more said they would file a lawsuit. The average number of actions taken was 1.02 in 2003 and 1.5 in 2009. The total number of people who reported that they would do nothing, “just go find a place to live”, and the number who were not sure what they would do remained about the same.

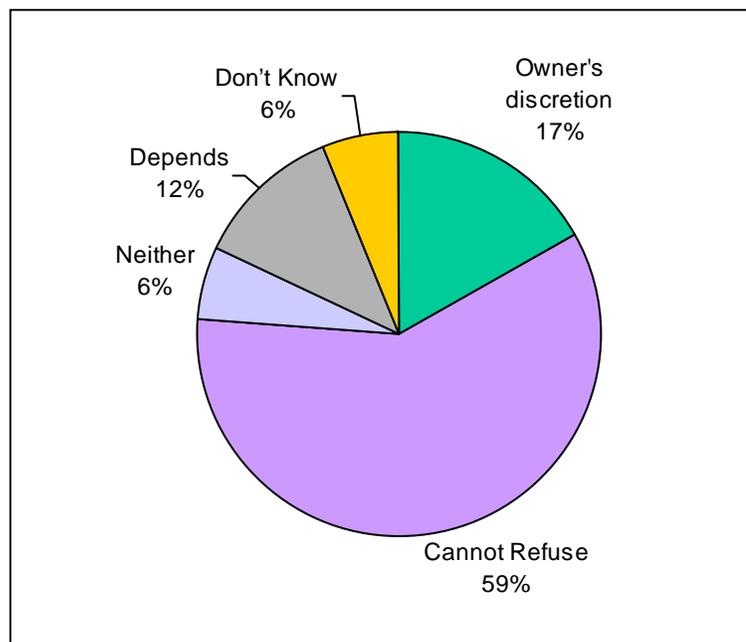
Reaction to Fair Housing Legislation

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

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

So if the State or County put the Fair Housing Law before the voters in 2009, about 60 percent of Maui voters would have approved a law that regulates real estate procedures in order to eliminate housing discrimination. About 17 percent would have voted against it, preferring instead to maintain a *laissez-faire* approach to the housing market. The other 24 percent weren't able or willing to choose to support or oppose the law. It will be interesting to monitor the reaction to this generic proposition in the future.

Figure 11. Voting on a law enabling Fair Housing regulation

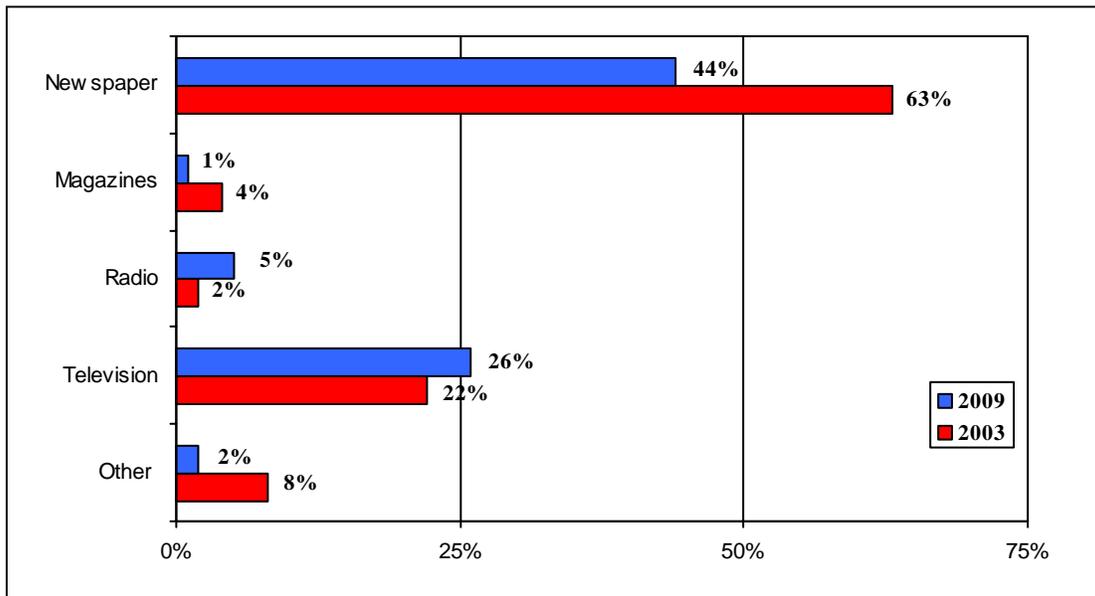


Awareness

The experts we talked to in Maui County reported that Fair Housing advertising was at best "infrequent" between 2004 and 2009. At the time of the last Analysis of Impediments, a strong program of broadcast advertising was in place, and many survey respondents had seen those ads. In 2009, the survey found that 18 percent of all residents recalled seeing or hearing any form of advertising related to Fair Housing Law. Those who reported seeing Fair Housing ads often reported that they had seen Fair Housing logos on real estate ads in newspapers or on posters at housing assistance offices.

There were both increases and decreases in the type of advertising Maui residents were exposed to pertaining to fair housing. Among those who reported seeing advertising for fair housing, in 2009, the percentage of those who saw ads in newspapers went up by 18 percentage points. Reported sightings on radio and TV went up a bit.

Figure 12. Mediums of Exposure to Fair Housing Advertisements



Overall, ad awareness was low, down notably since 2004, and shifted toward print media.

VI. AGENCY INTERVIEWS

Most Analysis of Impediments studies gather expert opinion on the type and extent of housing discrimination in the area. Maui County's AI was no exception. SMS conducted interviews with representatives of housing agencies, housing advocates, bankers and property managers in Maui County and on O`ahu to determine what each perceived to be the County's major impediments to fair housing. Interviews were initially focused on agencies charged with the responsibility of producing shelter for HUD-eligible programs. We then shifted to individuals from insurance agencies, financial institutions, and other types of businesses that may encounter impediments to fair housing.

The agencies that SMS interviewed for this study are as follows:

- A & B Properties
- Maui County Office of Aging, Elderly Affairs Division
- Maui Economic Opportunity
- Catholic Charities Hawai`i
- Maui Department of Housing and Human Concerns
- Hawai`i Disability Rights (HDR)
- Mental Health Association
- Hawai`i Civil Rights Commission
- Legal Aid Society
- American Savings Bank
- Department of Housing and Urban Development
- Maui County Developmental Disabilities Committee

Subjects were asked to comment on their familiarity with the Fair Housing Law, its efficacy on the island of Maui, and possible improvements for the most pressing impediment issues. Virtually everyone with whom we spoke agreed that there was housing discrimination in the County of Maui. Most felt it was perhaps less prevalent than in the past, and nearly everyone felt that Maui County housing discrimination grew out of ignorance of the law, lack of knowledge or understanding, or misinterpretation of regulations. Hence, we were told, the most valuable tools that can be applied to its elimination were education and training.

Exceptions to this general finding were few but notable. One person mentioned that at least some condo owners who rented units to the public were probably quite deliberate in their intent to rent to persons of their choice, regardless of the bias that might entail. One informant felt that it was relatively simple matter to discriminate without detection or punishment because enforcement was difficult or impossible. Another group of informants suggested that agencies that provide public housing, especially government, were perhaps the chief purveyors of housing discrimination because their rules and procedures did not provide equal access to public housing to all qualified persons. These informants were more likely to favor enforcement than training as a first line of defense against impediments to Fair Housing.

Impediments Identified

Nearly every individual mentioned specific impediments to the Fair Housing Law. The list of major issues is summarized below:

- Disabilities: Nearly all informants felt that most housing discrimination in Maui County affected persons with disabilities. That is consistent with the facts as published by the Hawai'i Civil Rights Commission (Table 2, p. 15). Inaccessible units or noncompliance with reasonable accommodation regulations were the infractions most frequently mentioned. Most of that was thought to occur among private owners who are not sufficiently trained.
- Familial Status/Children: Property owners sometimes discriminate against families with children due to the potential wear and tear that they may cause to the property. This was the next most frequently mentioned impediment of Fair Housing in the County. Participant opinion was split on whether single-parent discrimination is an issue or not. Finally, the preference not to rent to large families, or complex, extended families rounded out the picture.
- Elderly: In the private sales and rental markets, discrimination based on age is rare. In fact, we were told, landlords prefer older and more responsible tenants. Local advocates for the elderly did report that current regulations that do not allow children in elderly housing facilities are being debated. Some, not all, note that this is a problem for grandparents who are raising their grandchildren. We were also informed that the Office on Aging and others are working with the legislature to resolve this issue.
- Mental Health: Even if the applicant has a voucher from HUD and a steady income, landlords still discriminate against applicants based on their appearance and perceived mental health status. This was mentioned twice.

- Gender: One informant suggested there has been an increase in sexual harassment cases in housing. The incidence of sexual harassment deserves our attention, we were told, because it is seriously underreported in the County.
- Race and Ethnicity: Virtually no one volunteered an opinion that discrimination based on race or ethnicity occurred in Maui County. We probed the issue because it is the second most prevalent reason for filing housing discrimination cases in Hawai'i over the last four years. All informants remained strong in their belief that race or ethnic based discrimination did not occur. Filing for ethnic discrimination, they felt, was more likely to succeed in the legal system.
- Geographic Segregation: Two informants reported that the current system of assisted housing for disabled persons results in *de facto* discrimination against the disabled. This occurs when the facilities to serve disabled (or any protected class) are concentrated in certain geographic areas of the County. Disabled individuals may not be able to get the services they need or are denied the right to live in the neighborhood of their choice.

In addition to viewpoints on housing discrimination, our conversations with local informants produced other interesting and useful findings relevant to Maui County's 2009 AI.

- Technology: The HUD office in Honolulu reports that recent research shows that technology may have produced a new impediment to Fair Housing. Rental advertising on the Internet is not subject to the same scrutiny as advertising in other media. As a result, it offers the opportunity for discrimination against all protected classes. Hopefully the discovery of the problem will bring forth solutions at the national and State levels. The National Fair Housing Alliance is urging Congress to amend the Communications Decency Act in order to stop the flood of discriminatory Internet ads. Until that happens, local advocates for Fair Housing may find it useful to set up local networks to identify and halt the most obvious abuses of the Fair Housing Law.
- Media and Education: Most informants said they hadn't seen any advertising for Fair Housing in Maui County in the last 12 months. None reported any large-scale advertising on the part of their agencies. Few were aware that education and training for Fair Housing was available on Maui. Some reported that training exists on Maui Island (particularly during Fair Housing Month in April), but not many people attended these events. SMS notes that awareness of education and training opportunities is lower in Maui County than in other Counties for which we have prepared AI Studies. Since the agencies reported that they have provided education and training in the last year, we conclude that the issue is more likely to be the lack of knowledge and communication about training than the lack of training itself.

- System for identifying violations: Some informants felt that underreporting of housing discrimination may have increased since 2004. Hard data from Legal Aid and HCRC seem to support that impression. There are fewer cases being filed each year, especially in Kaua`i and Maui Counties. Many agreed that fear of confrontation or retaliation on the part of the victims is the root cause of failure to report discrimination. They also felt that the problem may be more serious outside of O`ahu because in the less populated counties “everyone knows everyone else” and it is more likely that retaliation can occur there. Still others noted that enforcement is more difficult in Maui and Kaua`i, that testing occurs less often, and that locals are less willing to be participants in the testing enterprise. LASH agrees with that sentiment, especially with respect to the difficulty of recruiting testers.
- Communication: Finally, Maui County survey informants were often unaware that there was a County plan for supporting Fair Housing regulations. They were less likely than AI informants in other Counties to know what was in that plan, where it was located, and where they might obtain a copy of it. It seems that an opportunity to improve the countywide effort to remove impediments to Fair Housing exists in improving communications. In support of that effort, SMS notes the largest single change in AI Study findings since 2004. It occurs with the question, “If one of your clients had a problem with housing discrimination, where would you go to find the best advice for that person?” In 2004, they said they would handle it themselves; they would refer the client to the County Housing Office, to HCRC, or to another housing agency. In 2009, nearly all of them said they would consult the Internet.

Suggestions for Improvement

There was a general consensus among key informants we interviewed that more training was necessary – for attorneys, organizations, advocates, and especially for private property owners. HUD requires that anyone who has been involved in a complaint must undergo additional training, which informants felt was a step in the right direction. Providing more training and education, providing more effective communication about trainings and education and channeling training and education to those most in need were seen to be the most effective tools to use against ignorance as an impediment to Fair Housing. Others noted that enforcing training and improving the public relations efforts were needed to ensure that training and education reached the right people.

A smaller but very concerned group of informants would have the County look into public housing and human services regulations that, they feel, limit access or equitable access to housing for the protected classes. The geographic segregation issue may deserve some

consideration in the near future. Limitations on access to senior housing concerns some advocates, and equal access to public housing concerns others.

Finally, the experts would have us bring the Fair Housing Plan into the 21st century by taking greater advantage of the Internet. There were both positive and negative issues here. On the negative side is the finding that Internet rental advertisements may be permitting some landlords to sidestep the law. On the positive side, the informants indicated that communications about Fair Housing plans, procedures, trainings, and education could be improved with better communication. Now more than ever, the effort to improve communication about Fair Housing Law centers on the Internet.

VII. DEVELOPING ACTION PLANS

Comprehensive Goals

The Action Plan for the County of Maui was developed by the County's Fair Housing Officer (FHO), in consultation with other County agencies. SMS provided the results of the AI Study, conducted according to HUD guidelines, to identify the major impediments to Fair Housing in the County, and to report suggested actions that were consistent with reducing impediments.

Fair Housing Officers saw a need to generate Fair Housing Action Plans that were: (1) feasible with respect to resources available and the constraints of the law; (2) capable of addressing the most important impediments identified by the community; and (3) fully integrated into the responsibilities of the Fair Housing Officer.

During the course of the project several major responsibilities of Fair Housing Officers were identified that corresponded directly to the general classification of impediments identified by the housing community. Those included:

Supply and Demand Issues: A set of issues and responsibilities that concern the limited supply of housing units suited to target populations as an impediment to Fair Housing. In general it was felt that a tight market for any targeted subpopulation increased the threat of discrimination against that group. More favorable ratios of supply to demand tend to increase competition for tenants and thereby reduce discrimination.

Management, Coordination, and Standards Issues: A set of issues and responsibilities that describe problems with the housing program rules and regulations that negatively impact clients or that impedes efforts at education and enforcement of Fair Housing Law. Complicated or unclear rules and procedures cause problems for clients and may seem to contradict the need for fairness and equal treatment. Poorly coordinated or even contradictory policies and procedures make the State's compliance enforcement role a difficult one. The lack of appropriate standards for housing and for Fair Housing enforcement can reduce the effectiveness of Fair Housing efforts.

Education Issues: A set of issues and responsibilities related to the need to educate people about Fair Housing Law. Fair Housing Law will be effective only if clients know their rights,

landlords know their responsibilities, advocacy groups know their options, and lenders and insurers understand how the law affects their operations.

Enforcement Issues: A set of issues and responsibilities that surround the enforcement of Fair Housing Law for each of the targeted subpopulations. Fair Housing Law can be properly enforced only if we have the appropriate laws for the intended clients, if reporting procedures are understood and utilized, if early diagnosis can be used to avoid discrimination before it occurs, cases are investigated quickly, prosecuted effectively, guilty persons punished, and would-be discriminators are made aware of the consequences of their actions.

Policy Development Issues: These include a set of individual issues, often directly related to one or more of the previous classifications, that take on a life of their own when specific Fair Housing policies need to be generated or changed. Recent interest in petitioning for use of countywide Fair Market Rents for the Section 8 Voucher program and the expressed need to alter HUD policies regarding drug histories are examples of policy development issues and responsibilities.

An effective Fair Housing Action Plan must be grounded in these issues that make up Fair Housing policy and procedures in the County.

Reasonable Action Plan Elements

Action Plans that target many impediments are not likely to be optimally effective. When they selected elements for the Action Plan, the County of Maui set the following objectives:

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

Overview of the Action Planning Process

The County of Maui Fair Housing Action Plan was developed using the following procedures. First, throughout the project, the County Fair Housing Officer reviewed impediments lists for the county. Second, major planning sessions were conducted during which the Fair Housing Office and SMS staff discussed each major impediment and its possibilities for inclusion in the plan. Using the criteria described above, the Fair Housing Officer selected a set of items to be included in the Action Plan. SMS staff then developed a draft Action Plan that included the impediment, actions to address it, and measures of effectiveness to be used. The draft plan was reviewed by the Fair Housing Officer and changes or clarifications were requested. Finally, SMS produced the final copy of the plan.

VIII. COUNTY OF MAUI ACTION PLAN: 2003-2009

Impediment 1: Applicants and Landlords are Unaware of Their Rights and Responsibilities

An examination of the issues identified in the AI research identified the following factors contributing to this impediment:

- Applicants are not aware of their rights;
- Applicants do not follow up with authorities if they are denied their rights;
- Landlords are not aware of the laws;
- Landlords are not aware of the consequences of not following the law;
- Advocacy groups who work with applicants are not totally aware of all the laws; and
- Experts (i.e. attorneys, realtors) are not aware of all the laws.

Before landlords can be expected to follow the laws of Fair Housing they must be aware of the laws and understand the impact of non-compliance. Likewise applicants must know what they should expect in dealings with potential Landlords.

The Public Awareness Survey conducted in the County of Maui showed that the general public is unsure of what laws are related to fair housing. In most of the housing scenarios evaluated, the majority of the respondents were unsure of what is legal, with the remainder split between believing the specific action was or was not permissible. In addition to this uncertainty surrounding elements of the law, there was also a disparity between what people think the laws may be and what actions they believe should be permissible.

Comparing the 2009 public opinion survey with the survey conducted in 2003, there was clearly some improvement in knowledge of Fair Housing laws over the last six years. Not all items showed improvement, and among those items on which improvement was recorded, the level of change was not statistically significant. This occurred despite the fact that most experts we interviewed reported that training did occur.

The Public Awareness Survey of 2009 also indicated that few people (19%) on Maui who were involved in a discriminatory housing situation took any action to report or rectify the situation. The reasons for not acting ranged from uncertainty of knowing what actions were possible to not

wanting any further difficulties with the landlord. The need to prepare the general public, the protected classes, and landlords and property managers the knowledge of rectifying actions is additional evidence that further training is needed.

In 2003, language barriers were frequently cited as a problem in training, especially for the protected classes. The County Housing Office is still concerned about the need for materials and perhaps training in languages other than Standard English. In our 2009 expert interviews, however, no one mentioned the language barrier as a significant problem in that area. Furthermore, the latest demographic information suggests there are very few households in the County that are linguistically isolated⁵. Including translation of documents can easily be included in new training programs, but it does not seem to be a requirement.

The increase in the annual number of Civil Rights complaints related to housing since 2003 occurred in the context of rapidly decreasing complaints in other areas (employment, public accommodations, and State funded services). This may have been the result of tighter controls, greater willingness to report discrimination, or dramatically increased incidence of housing discrimination. Expert interviews suggested increased discrimination. The public opinion survey suggested that fewer people were experiencing housing discrimination in 2009.

Overall, people seemed to agree that more and better training was needed in Maui County, and that coordination of training was an important issue. Greater awareness of the laws and why they are in place, understanding how to report violations and the consequences for non-compliance will result in more equal housing opportunity for all of Hawai'i's residents. Specifically, the major impediments identified in the expert interviews were that:

- Applicants do not know their rights and options;
- The general public is still in need of education in Fair Housing law; and
- Applicants and landlords do not fully understand the legal rights of applicants looking for a rental unit and the implications of landlords not complying with these rights.

⁵ These are households whose primary language is not English and in which no one in the household speaks Standard English.

Action Plan

The challenges in reducing this impediment are significant:

- Reaching those most in need of this information – landlords and applicants;
- Providing the message in a manner and language to enhance comprehension;
- Insuring that training opportunities are communicated to those who need them; and
- Maximizing limited resources to finance this communications effort.

The Maui County Housing Division will work with other housing agencies to integrate their needs, concerns, and resources into training programs in Maui County. Those agencies will include, but not be limited to the HPHA, HUD and HCRC, Legal Aid Society of Hawai'i, other State, County, and non-profit agencies in Maui County who have responsibility of housing production, distribution and management, and agencies who advocate for the protected classes. Their needs and resources will be incorporated into revised training and educational presentations developed for distribution by Maui County.

During the remainder of 2010, the County Housing Division will also take the responsibility for coordinating Fair Housing training and education resources available to the people of Maui County. For the next three years, the County of Maui, Department of Housing and Community Concerns, Housing Division will include in all public meetings and planning sessions a component dedicated to the coordination of training and educational materials. During that period, the Housing Division will make available all new training and education materials to other agencies that may wish to use them.

Measure of Effectiveness: The ultimate success of this action step will be realized when Impediment 1 no longer appears on the list of impediments to Fair Housing in Maui County. For the next Analysis of Impediments the County's outcomes objectives are:

1. Housing experts will volunteer that training and education resources in the County of Maui are sufficient for current needs;
2. Expert rankings of impediments to Fair Housing will place lack of training and education for protected classes, general public and landlords below second place;
3. HCRC reports will register a decrease in the average number of complaints filed for housing discrimination will decrease by at least ten percent;

Impediment 2: There is Insufficient Enforcement of Fair Housing Law

The enforcement of Fair Housing Laws was placed far down the list of critical impediments to Fair Housing in the County of Maui in 2009. Most residents and housing experts feel the incidence of housing discrimination in the County is the result of lack of knowledge on the part of landlords and tenants. But, for the first time in 2009, there was evidence that some attention to enforcement may be useful.

As we have noted, more complaints of housing discrimination were filed with HCRC in recent years. The 2009 Public Awareness Survey showed among people who did experience discrimination, more were taking serious action against the perceived perpetrators. This may suggest more serious discrimination has occurred in recent years. HUD reports that its research into Internet violations of Fair Housing law may show a dramatic increase over other housing advertising channels. For the first time, housing experts interviewed in 2009 suggested that at least some of the discrimination they observed may result from deliberate discrimination rather than ignorance of the law. These and other factors have caused the Maui County Housing Division to consider taking some action on Impediment 2 over the next few years.

There were three areas in which some action was needed. First, HCRC's work in enforcing Fair Housing Law might be more effectively used as a deterrent. When complaints are successfully adjudicated, the results of successful cases might be more aggressively communicated to the public. Currently, very little information is available to the public regarding the penalties suffered by housing providers who violate fair housing laws and discriminate against certain protected classes. Publishing that information may have the effect of reinforcing the penalties and repercussions for violating fair housing laws.

Second, the LASH testing program is one of the more effective enforcement procedures available to the County. LASH testing solves the problem of failure to report discrimination because of fear of retaliation. Interviews within the County suggested that some feel that too little testing occurs in Maui County. LASH officials tended to agree. It occurs in part because the testing team is located on O`ahu and in part because it has been difficult to recruit testers on Islands other than O`ahu. Communities on islands other than O`ahu tend to be smaller and more homogeneous. In a place where "everyone knows everyone else", recruiting residents to play the role of tenants in an effort to uncover possible housing discrimination can be difficult.

Finally, there is the possibility that Internet discrimination may be occurring on a fairly widespread basis. It raises the specter of a hidden but widespread discrimination against the protected classes on Maui. Few housing officials have any experience with Internet discrimination and even fewer feel technically equipped to deal with it.

These issues have prompted Maui County housing officials to plan for increased effort toward Fair Housing law enforcement issues in the coming years.

Action Plan

The County of Maui proposes a three-point action plan for Impediment 2 in the next three years.

The County of Maui Fair Housing Office will work with HUD and the Hawaii Civil Right Commission to identify and publicize successful actions taken against those convicted of violating Fair Housing Laws in the County. The County will also identify key media to whom press releases will be provided in order to maximize the reach of this information.

The County of Maui Fair Housing Office will work with the Legal Aid Society of Hawaii to increase the amount of testing done in the County of Maui in the next three years. As part of that cooperative effort, Maui County will work with other housing agencies in the County to assist LASH by recruiting, training and retaining Fair Housing testers in the County. The County Fair Housing Officer will coordinate the efforts and resources of all agencies in the housing network and will maintain emphasis on this issue for the next three years.

The County of Maui Fair Housing Officer will work with HUD, housing officers at HPHA and other counties, to continue to monitor Internet housing discrimination, to identify successful methods of dealing with the issue, and to implement any resulting anti-discrimination initiatives or programs in the County of Maui.

Measures of Effectiveness

The ultimate measure of success in these actions will be realized when the enforcement of Fair Housing Laws is not included among critical impediments to Fair Housing in future AI studies. Over the next three years our outcomes measures will be:

1. The Maui County Housing Division will have issued at least two press releases to County media with details of the infraction, the resulting consequences for the violator, and the implications for Fair Housing law enforcement in the County.
2. The number of Fair Housing tests conducted by LASH in the County of Maui will increase by 50 percent in the next three years.
3. By January of 2011, there will be a team of at least four members trained and qualified to do LASH testing in the County of Maui.
4. By December 30 in each of the years 2011 and 2012, The County of Maui Housing Officer will publish on its website, a report on progress in the effort to identify and control Internet violations of Fair Housing Law.

Impediment 3: Insufficient Knowledge of County Actions among Maui's Fair Housing Network

The AI interviews with housing experts in the County of Maui found that some were unaware of the efforts made by the County to eliminate impediments to Fair Housing. Slightly fewer Maui County residents were aware of Fair Housing Laws than were resident of other counties. Members of the Fair Housing network were less aware that the County provided training and education services and few of them knew where to go to obtain those services. There were still members of the network who were unaware that the County had a Fair Housing action plan, and fewer yet who knew where that plan could be located. Some we interviewed voiced the opinion that the County could do a better job of communicating and coordinating Fair Housing programs. The issue seems to be one of ineffective communication rather than lack of action.

One of the most salient findings of the 2009 AI study has been the extent to which housing experts and advocates rely on the Internet. In past studies, when asked where they would go to get assistance for a client who may have a Fair Housing issue, most replied that they would seek help from another agency, or from HUD or LASH, or even the police. In 2009, the same question brought the same first response from almost everyone: "I'd go to the Internet". The change occurred since 2007. The first source of information on nearly every subject, including Fair Housing, is the Web.

There are many effective methods for improving communication between the County Housing Division and others involved with reducing Fair Housing impediments in the County. It seems particularly useful to look to the Internet, however, as a means of solving the problem. As a first step in improving inter-agency communications the Maui County Department of Housing and Human Concerns, Housing Division intended to redevelop its website.

The redesign of the website will take place during calendar 2010. The full extent of the new website will be decided during the design phase. It is intended, however that the new design will include the following kinds of functionality:

- Full documentation of Fair Housing activities and services available at the Housing Division
- Links to Federal and State housing agencies' Fair Housing content

- Links to other Maui County housing service providers and protected class advocates
- Ability to blast communications to all members of the network
- The County of Maui Fair Housing Action Plan
- Activities and status of Fair Housing Action Plan elements
- A schedule of events relevant to Fair Housing, including trainings and educational opportunities
- The ability for other members of the Fair Housing network to post events and other information on the County website
- A search function allowing users to go directly to a topic of interest
- A list of resources for Fair Housing advocates and renters
- Direct links to the Hawai'i Civil Rights Commission and the Legal Aid Society of Hawai'i
- Hot Topics in Fair Housing, such as the latest news on Internet discrimination

Improving the website will also contribute to the resolution of the first two impediments addressed in the action plan. Improved Web communications can facilitate coordination of training and education and improve the quality of training and education across the county. Improving the website can also provide opportunity to gather and share data about Internet violations of the Fair Housing Law.

To maximize the exposure of Fair Housing laws to the targeted audiences, the Maui County Housing Division will work to link its Fair Housing site to a greater number of related housing websites. This may include not only government sites, but also lending institutions, realtors, brokers, and other related websites. The link to Fair Housing will add credibility to these websites, and the exposure for Fair Housing will be significantly increased.

Action Plan

The Housing Division will begin development of the new website by July of 2010 and have an approved design ready by October 1, 2010. A search for a qualified Web designer will begin in October, and work on the website will begin by December 1, 2010. The website development is scheduled to be completed by July 1, 2011.

Measures of Effectiveness

The ultimate success of the new website will be realized when lack of knowledge of County Fair Housing activities, and lack of effective communication with County agencies, no longer appear on the list of critical impediments to Fair Housing in the County of Maui. Specific outcomes measures adopted for this element of the 2010 action plan are:

1. An increased number of hits on the Fair Housing website;
2. A five point decrease in the average “not sure” rate for public awareness survey respondents in 2012;
3. The next set of AI expert interviews will show at least four references to Maui County’s website as a source for useful information on Fair Housing Law and resources;
4. The next set of AI expert interviews will not produce any reports that Maui County Fair Housing plans are either unknown or deficient in any way.

IX. CONCLUSIONS

This section of the AI report covers additional comments and recommendations related to the implementation of the County of Maui Fair Housing Action Plan.

Action Plan Implementation

Progress toward the Fair Housing Action Plan objectives will be placed on the agenda for each monthly meeting of Fair Housing Officers in Hawai'i's five jurisdictions. Regular discussion of action plan issues will assure a constant level of attention to plan objectives and activities. Because Hawai'i's Fair Housing Officers meet on a regular basis, action plan elements will also benefit from integration and cooperation that are the hallmark of local operations.

We recommend that written interim annual progress reports be prepared and shared with appropriate partners (Fair Housing Officers, Housing Coordinators) on a regular basis.

We also recommend that progress toward County of Maui Fair Housing Action Plan objectives be documented for inclusion in future AI projects. It will suffice that progress, problems, and activity changes are recorded in monthly meeting notes and that detailed summaries are included in annual interim progress reports.

Future Analysis of Impediments Projects

HUD suggests that AI projects be repeated every three to five years. Because the field of Fair Housing discrimination is changing rapidly, we recommend that the next County of Maui Analysis of Impediments be scheduled for 2012.

Compliance Data Reporting Formats

In Hawai'i, Fair Housing complaints are filed with the HCRC. Its annual report of activities and accomplishments makes compliance monitoring a relatively simple matter for Fair Housing Officers. We have noted that HCRC does not produce standard reports of activities and outcomes by County. We recommend that the County of Maui Fair Housing Officer consult with HCRC and discuss the possibility of developing an annual report of compliance data specifically for the County of Maui.

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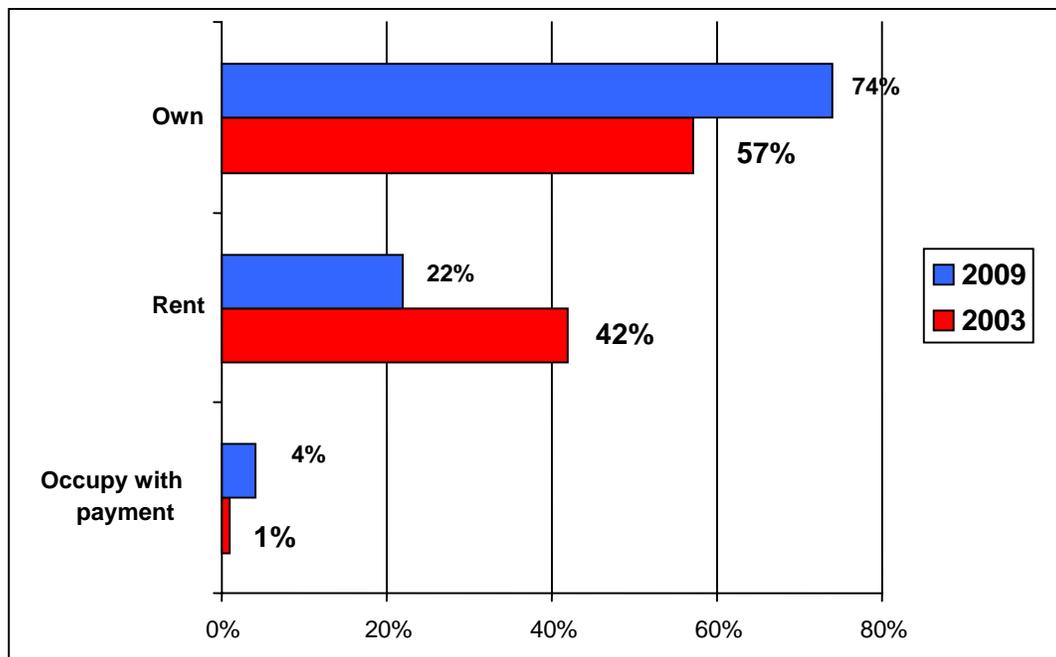
APPENDIX A: DEMOGRAPHICS OF SAMPLE

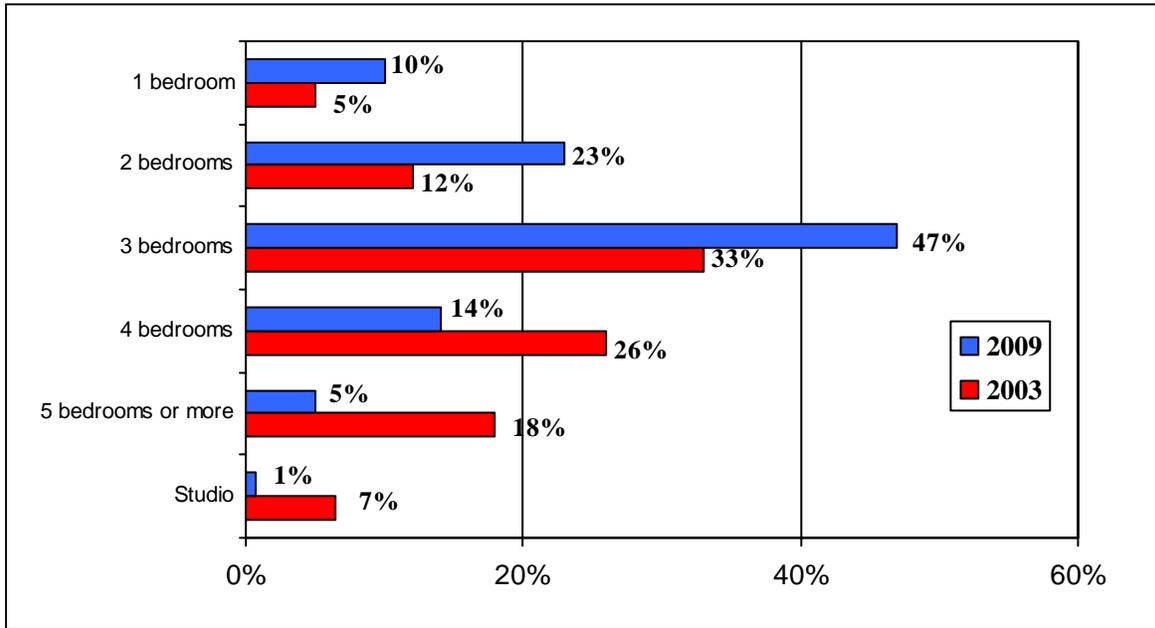
Awareness Survey Sample Characteristics

The demographics of Maui residents surveyed in 2009 showed that survey respondents were generally older. Seventy-eight percent were over the age of 45. Less than a quarter (21%) of them had a 2008 income between \$50,000 and \$74,999, and a median income of \$54,000. Full-time employees (40%) and Caucasians (50%) represented almost half of the respondents, which was a majority of the sample.

There were some shifts in the demographics of respondents since 2003. For instance, there was a 25 percentage point decrease in those employed full time and a 19 percentage point increase in retired respondents. This could have been caused by the fact that the survey included only landline telephone subscribers. There has been a general shift in younger respondents to carrying only cell phones and not having a landline, therefore making them unreachable in this type of study. There were changes in almost all demographic traits, except household size, which remained fairly consistent with the 2003 sample.

The majority of those surveyed reported that they currently own their home (74%). However, 22 percent classified themselves as renters. When asked about the number of bedrooms in their residence, the majority of respondents had either a two-bedroom (23%) or a three-bedroom (47%) home.





APPENDIX B: GLOSSARY OF TERMS

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

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

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

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

Protected Class Members - Fair Housing Laws provide protection from discrimination in housing for certain groups, generally referred to as "protected classes." These groups are targeted in AI studies because they have been more vulnerable than other groups to housing discrimination.

APPENDIX C: PUBLIC AWARENESS SURVEY

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

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

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

- 1 Yes
- 2 No, no such person

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

- 1 ENTER [1] TO CONTINUE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Q.14 A homeowner places a notice on a community bulletin board to find a tenant for a vacant apartment. The notice says "Christians preferred."
- Q.15 Regardless of what the law says, do you think the home owner should be able to advertise an available apartment using the phrase "Christians preferred."
 - 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.16 Under federal law, is it currently legal for a home owner to indicate a preference based on religion in advertising an available unit?
 - 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.17 In checking references on an application for rental unit, a home owner learns that the applicant has a history of mental illness. Although the applicant is not a danger to anyone, the owner does not want to rent to such a person.
- Q.18 Regardless of what the law says, do you think the home owner should be able to reject this application because of the applicant's mental illness?
 - 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.19 Under federal law, is it currently legal for a home owner to reject this application because of the applicant's mental illness?
 - 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.20 An apartment owner learns that an applicant for a vacant unit has a different religion than all the other tenants in the building. Believing that other tenants would object, the owner does not want to rent to such a person.
- Q.21 Regardless of what the law says, do you think the apartment owner should be able to reject this application because of the applicant's religion?
 - 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.22 Under federal law, is it currently legal for an apartment owner to reject this application because of the applicant's religion?
 - 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.23 The next question involves a family selling their house through a real estate agent. They are Caucasian, and have only Caucasian neighbors. Some of the neighbors tell the family that, if a non-Caucasian person buys the house, there would be trouble for that buyer. Not wanting to make it difficult for a buyer, the family tells the real estate agent they will sell their house only to a white buyer.
- Q.24 Regardless of what the law says, do you think the home owner should be able to sell their house to a Caucasian buyer?
 - 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.25 Under federal law, is it currently legal for the family to sell their house only to a Caucasian buyer?
 - 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.26 Take another situation. A Caucasian family looking to buy a house goes to a real estate agent and asks about the availability of houses within their price range. Assuming the family would only want to buy in areas where white people live, the agent decides to show them only houses in all-white neighborhoods, even though there are many houses in their price range that are in other parts of the community

- Q.27 Regardless of what the law says, should the real estate agent be able to decide to focus the home search on all-Caucasian areas?
- 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.28 Under federal law, is it currently legal for a real estate agent to decide to focus the home search on all-Caucasian areas?
- 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.29 Here's another situation: A Hawaiian person applies to a bank for a home mortgage. He does not have a steady job or enough income to pay a monthly mortgage payment. When the applicant did work, the job did not pay very much. Because of the lack of a steady job and insufficient income, the loan officer decides not to give this person a mortgage.
- Q.30 Regardless of what the law says, do you think the loan officer should be able to turn down the Hawaiian applicant because of the applicant's lack of a steady job and income?
- 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.31 Under federal law, is it currently legal for the loan officer to turn down the Hawaiian applicant because of the applicant's lack of steady job and income?
- 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.32 A Samoan family goes to a bank to apply for a home mortgage. The family qualifies for a mortgage but, in the bank's experience, Samoan borrowers have been less likely than others to repay loans. For that reason, the loan officer requires that the family make a higher down payment than would be required of other borrowers before agreeing to give the mortgage.
- Q.33 Regardless of what the law says, do you think the loan officer should be able to require higher down payments by Samoan families in order to get a mortgage?
- 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.34 Under federal law, is it legal for the loan officer to require higher down payments from Samoan families in order to get a mortgage?
- 1 Yes
 - 2 No
 - 3 Depends
 - 4 Don't Know
 - 5 REFUSED
- Q.35 Do you think you have ever been discriminated against when you were trying to buy or rent a house or apartment?
- 1 Yes
 - 2 No
 - 3 Haven't tried to buy/rent a unit
 - 4 Don't know
 - 5 REFUSED
- Q.36 How many times in the last five years were you discriminated against while trying to buy or rent a house or apartment?
- 1 0
 - 2 1
 - 3 2
 - 4 3
 - 5 4 TO 5
 - 6 6 to 10
 - 7 more than 10
 - 8 [Haven't tried to buy/rent a unit
 - 9 DON'T KNOW/REFUSED
- Q.37 Did you do anything about it?
- 1 Yes
 - 2 No
 - 3 Don't know
 - 4 REFUSED
- Q.38 What did you do about it? Did you...[READ ANSWERS]
- 1 Complain to person who was discriminating
 - 2 Complain to someone else
 - 3 File a complaint
 - 4 File a lawsuit
 - 5 Sought help from a fair housing group or organization
 - 6 Something else
 - 7 DON'T KNOW
 - 8 REFUSED

Q.39 Please specify _____

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

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

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

Q.42 Please specify

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

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

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

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

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

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

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

Q.47 What is your age?

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

Q.48 How many people live in your household?

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

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

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

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

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

Q.51 What is your employment status?

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

Q.52 What is your ethnicity?

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

Q.53 Please specify

Q.55 RECORD GENDER [DO NOT ASK]

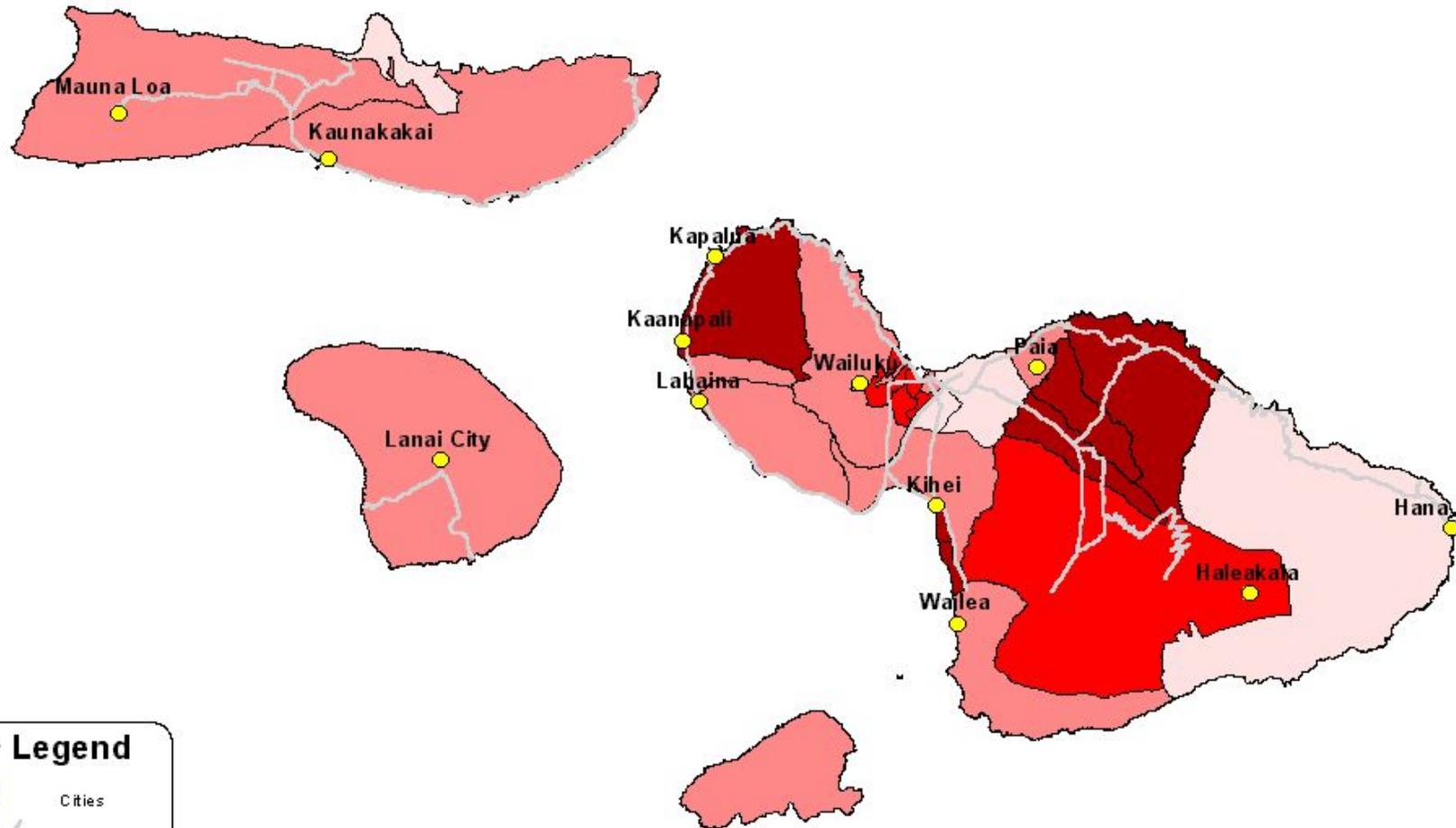
- 1 Male
- 2 Female

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

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

APPENDIX D: DEMOGRAPHIC AND HOUSING MARKET MAPS

County of Maui ~ Population Density

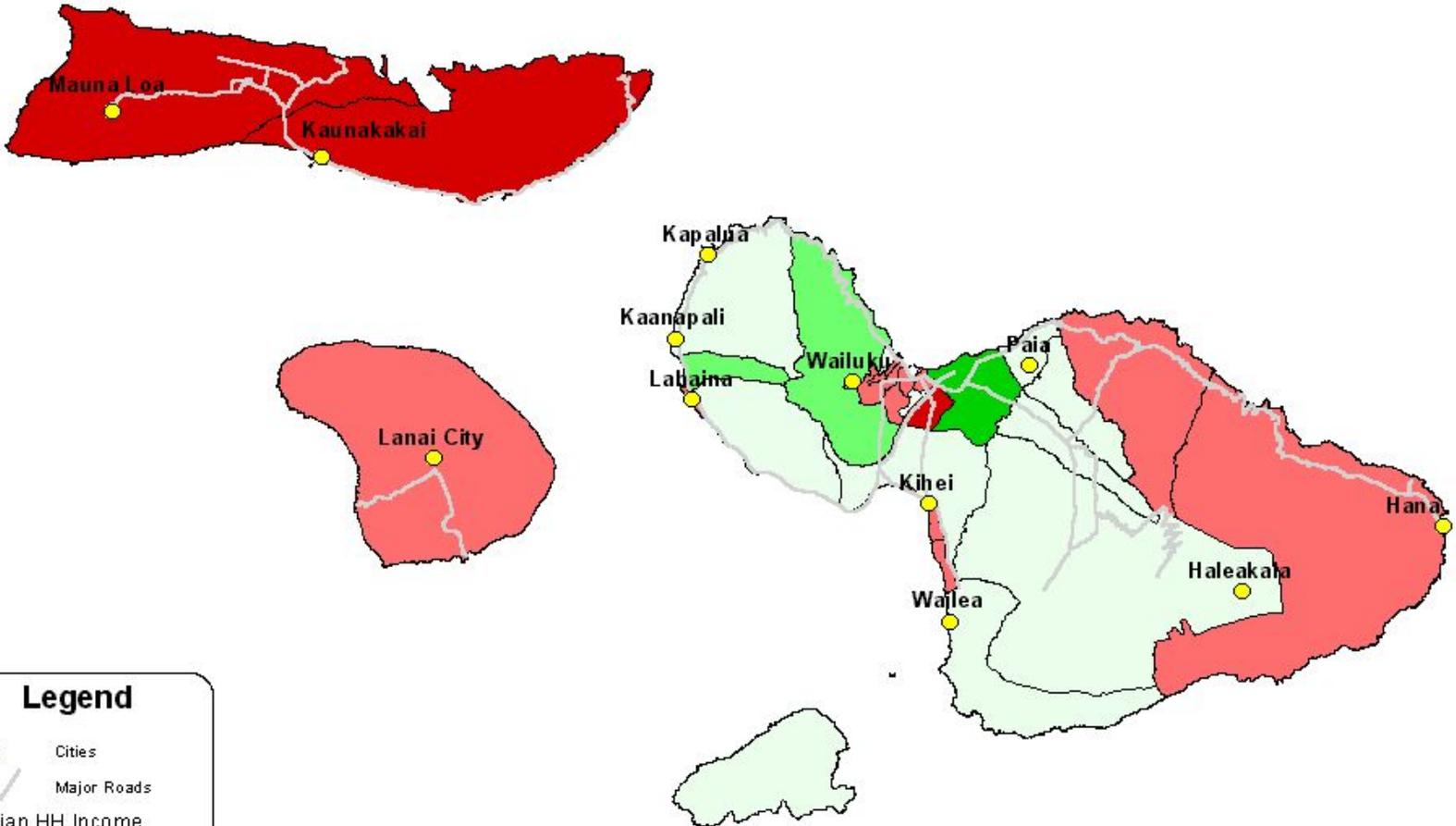


Legend

- Cities
- Major Roads
- Population Density
 - Least Dense
 - Most Dense

Note: Created by SMS Research, 6/4/03.
Source: 2000 US Census data

County of Maui ~
Median Household Income



Legend

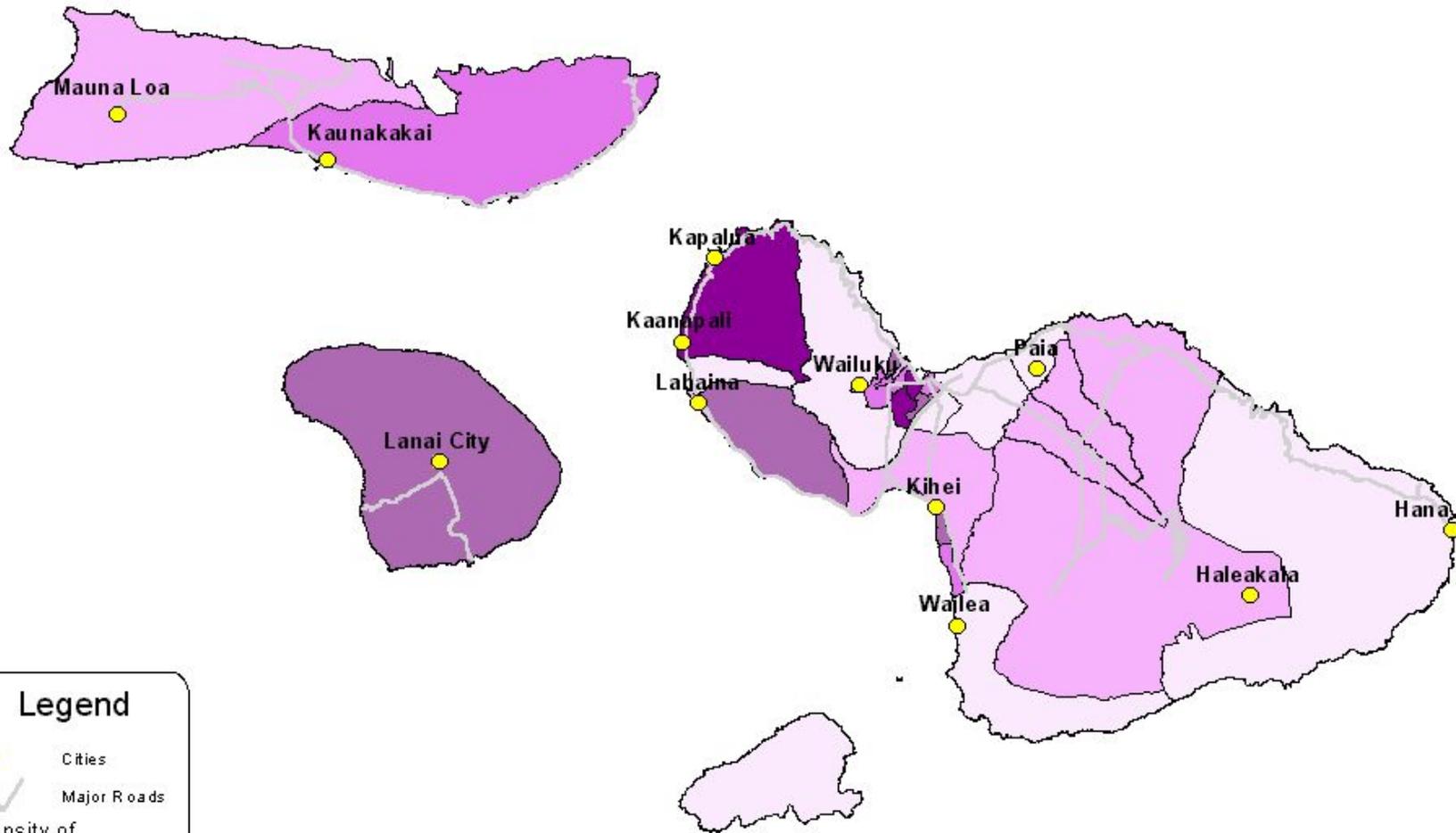
-  Cities
-  Major Roads

Median HH Income

-  Up to \$35,000
-  \$35,000 - \$50,000
-  \$50,000 - \$65,000
-  \$65,000 - \$80,000
-  \$80,000 - \$95,000

*Note: Created by SMS Research, 6/4/03.
Source: 2000 US Census data*

County of Maui ~
Concentration of Linguistically
Isolated Households



Legend

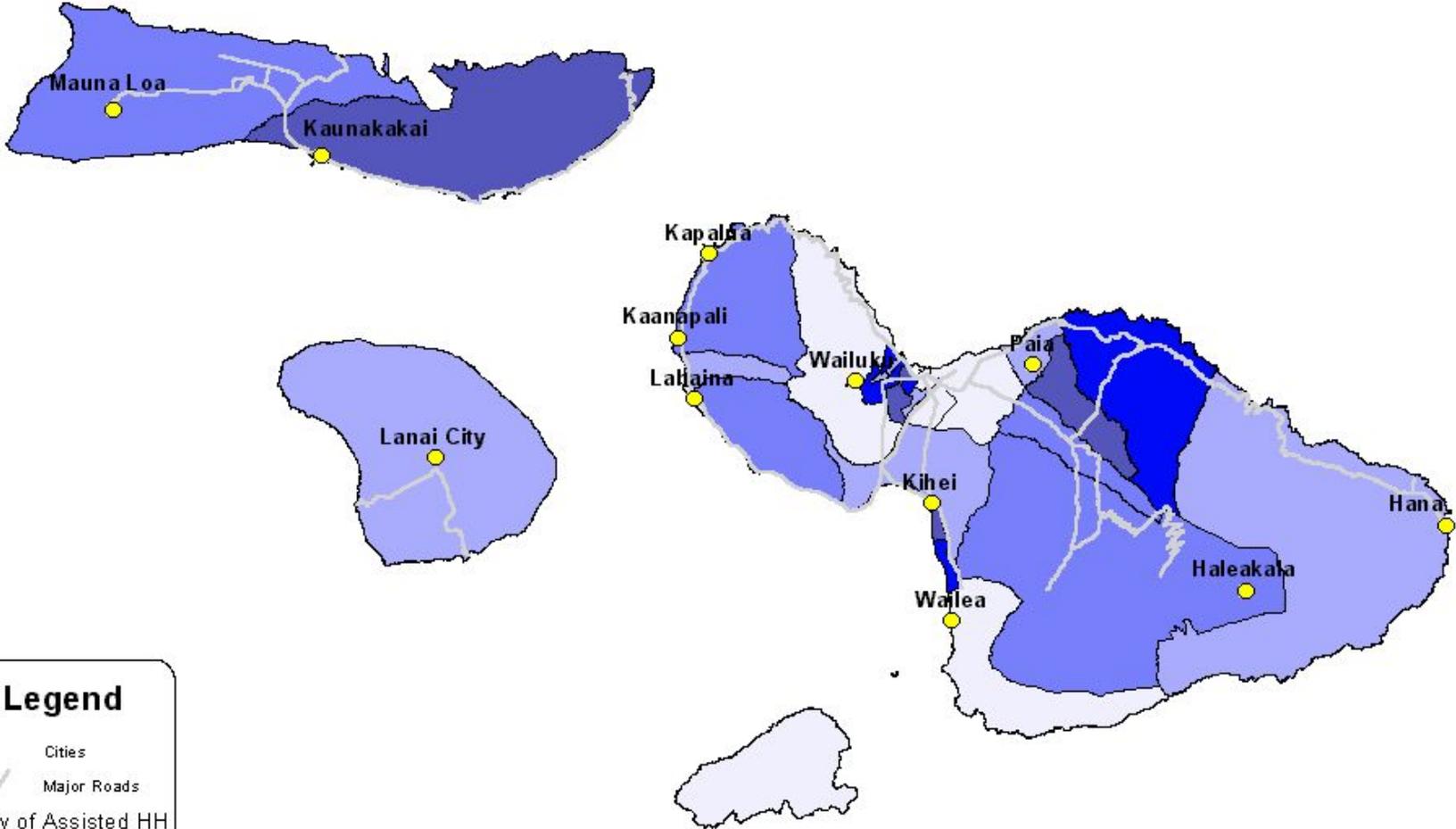
-  Cities
-  Major Roads

Density of Linguistic Isolation

-  Least Dense
- 
- 
-  Most Dense

Note: Created by SMS Research, 6/4/03.
Source: 2000 US Census data

County of Maui ~
Households Receiving
Public Assistance

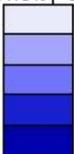


Legend

-  Cities
-  Major Roads

Density of Assisted HH

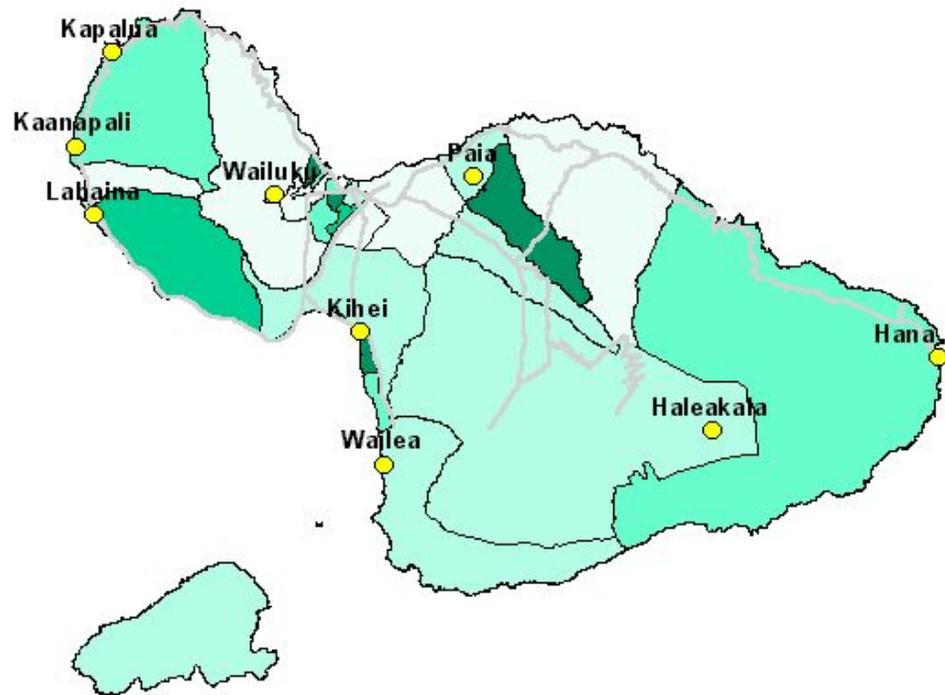
Least Dense



Most Dense

*Note: Created by SMS Research, 6/4/03.
Source: 2000 US Census data*

County of Maui ~
Concentration of Owner
Occupied Housing Units



Legend

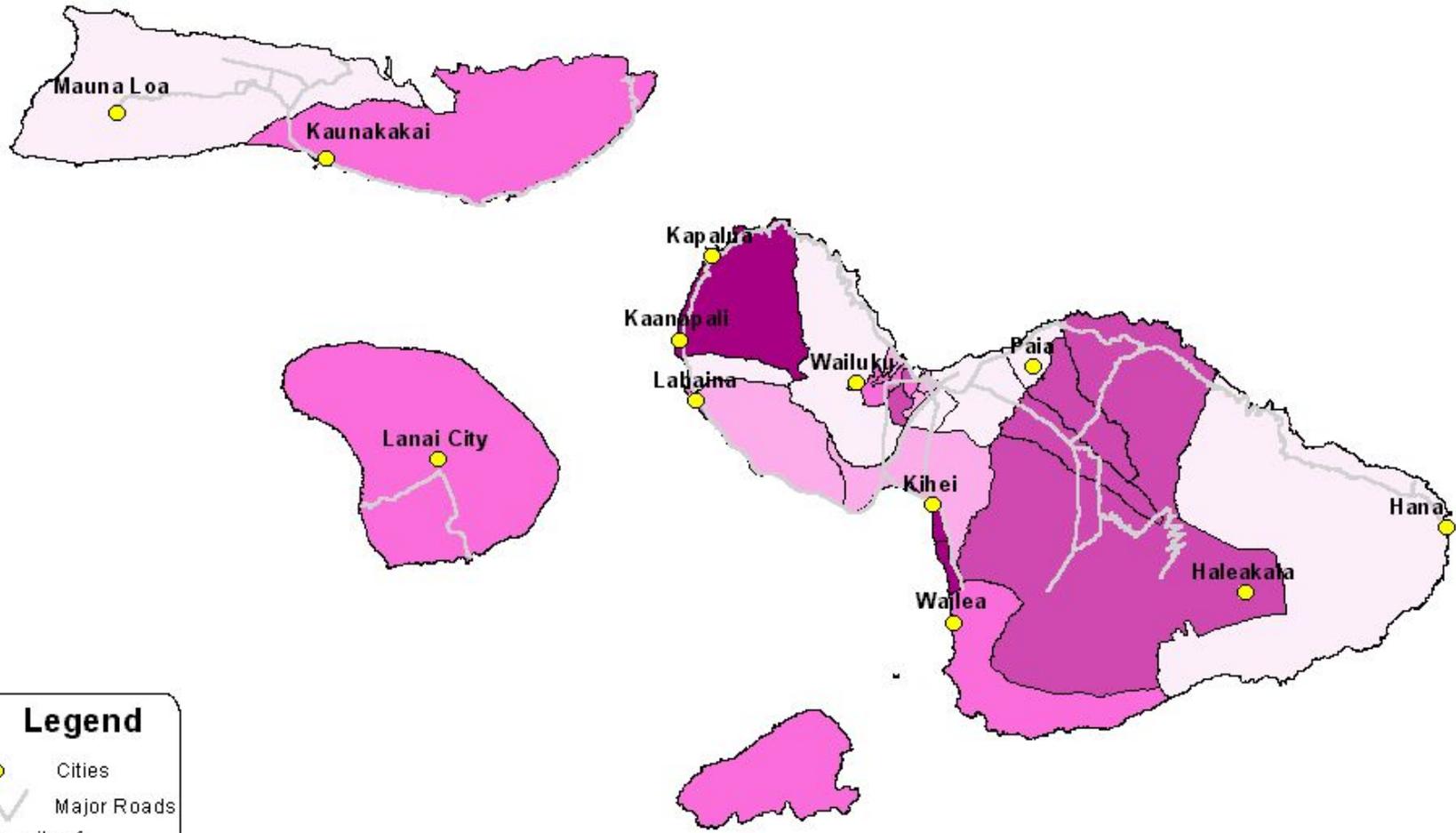
- Cities
- Major Roads

Density of
Owner Occ. Units

- Least Dense
-
-
- Most Dense

*Note: Created by SMS Research, 6/4/03.
Source: 2000 US Census data*

County of Maui ~
Concentration of Renter Occupied Housing Units



Legend

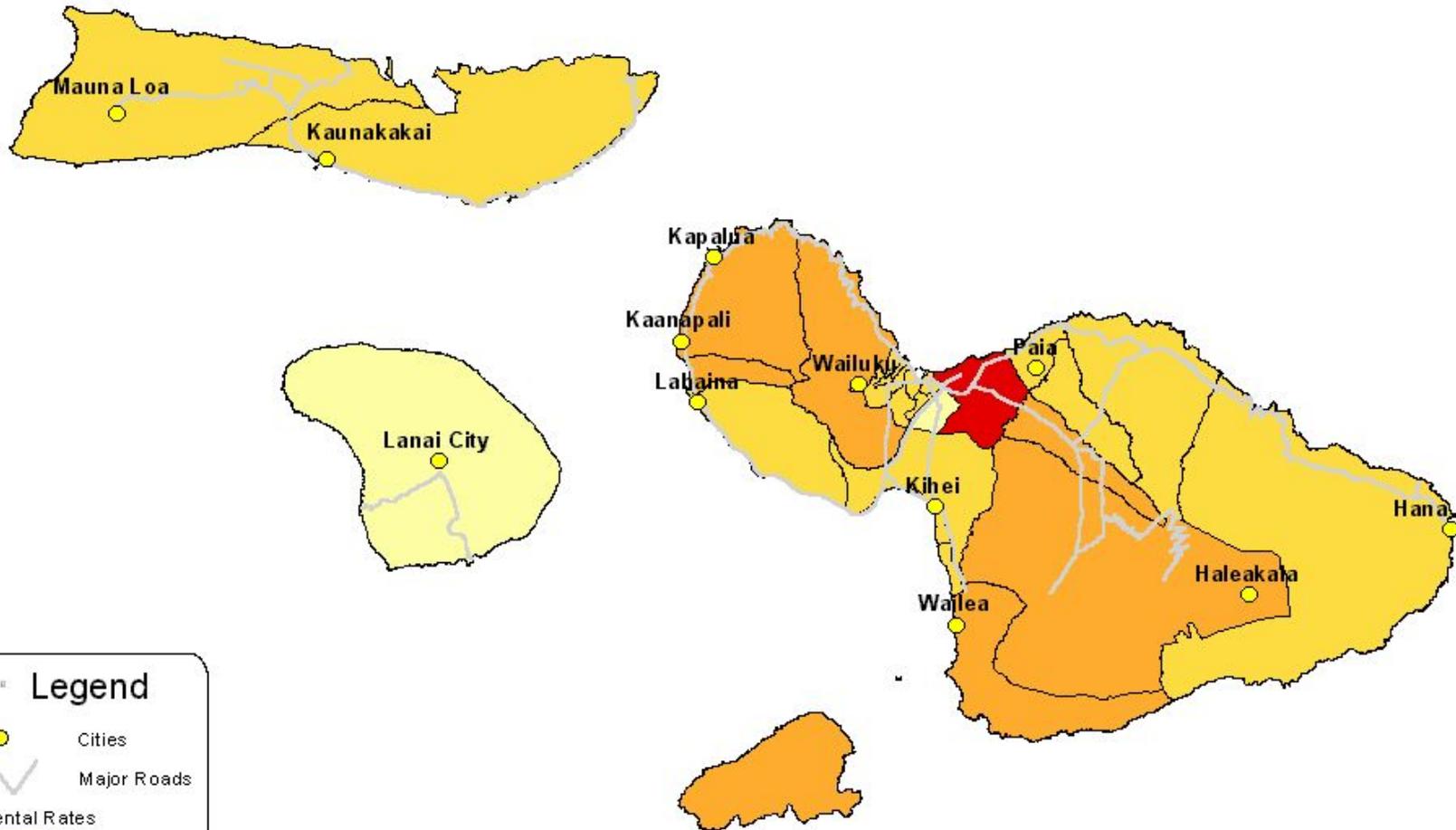
- Cities
- Major Roads

Density of Renter Occ. Units

- Least Dense
-
-
- Most Dense

Note: Created by SMS Research, 6/4/03.
Source: 2000 US Census data

County of Maui ~ Gross Median Rental Rates



Legend

- Cities
- Major Roads

Rental Rates

- Up to \$549
- \$550 - \$849
- \$850 - \$1049
- \$1050 - \$1499
- \$1500 - \$1891

*Note: Created by SMS Research, 6/4/03.
Source: 2000 US Census data*

APPENDIX E: HAWAI'I CIVIL RIGHTS COMMISSION CASE LOAD

Hawai'i Civil Rights Caseload (1999-2008)

	1999-2002			2003-2008			Percent Change
	total	avg/yr	Pct	total	avg/yr	pct	
Contacts	15,297	3,824	100%	45,868	9,174	100%	140%
no intake	11,467	2,867	75%	42,166	8,433	92%	194%
intakes	3,830	958	25%	4,684	781	10%	-18%
No Charges Made	1,240	310		919	153		-51%
Charges Filed	2,590	648	100%	3,765	628	100%	-3%
EEOC	2,253	563	87%	3,288	548	87%	-3%
public accommodations	177	44	7%	168	28	4%	-36%
housing	141	35	5%	292	49	8%	40%
State-funded services	19	5	1%	17	3	0%	-40%
Housing intake detail	141	35	100%	292	49	100%	38%
age	2	1	1%	10	2	3%	233%
ancestry	17	4	12%	35	6	12%	37%
color	3	1	2%	6	1	2%	33%
disability	50	13	35%	107	18	37%	43%
familial	18	5	13%	27	5	9%	0%
marital	9	2	6%	10	2	3%	-26%
race	19	5	13%	43	7	15%	51%
religion	0	0	0%	6	1	2%	-
retaliation	16	4	11%	29	5	10%	21%
sex	6	2	4%	16	3	5%	78%
other	1	0	1%	3	1	1%	100%
New Cases							
Closures	1,982	496	100%	2,313	397	100%	-20%
EEOC	1,602	401	81%	1,922	320	83%	-20%
public accommodations	189	47	10%	163	27	7%	-43%
housing	171	43	9%	284	47	12%	9%
State-funded services	21	5	1%	12	2	1%	-60%
Cause Determinations	112	28	100%	181	30	100%	8%
Geographic dist of all changes	2,558	640	100%	3,079	616	100%	-4%
Hawai'i	300	75	12%	358	72	12%	-5%
Honolulu	1,885	471	74%	2,276	455	74%	-3%
Kaua'i	100	25	4%	135	27	4%	8%
Maui	273	68	11%	310	62	10%	-9%

APPENDIX F: REASONS FOR LACK OF RESPONSE TO DISCRIMINATION

- WHY WOULD I? I HAVE ENOUGH HEADACHES TO DEAL WITH
- TOO BUSY
- LOOKED FOR SOMETHING ELSE
- I'M WHITE AND HAVE NO REASON TO TRY
- I HAVEN'T HAD TO MOVE
- I DIDN'T KNOW HOW TO GO ABOUT IT
- I DIDN'T KNOW I COULD DO ANYTHING
- I DECIDED TO BE A PEACEMAKER; IT WASN'T WORTH MY TIME
- I'M NOT SURE . JUST DIDN'T SEEM LIKE IT WAS WORTH IT
- DIDN'T KNOW WHERE TO GO
- CAUSE IT'S GOING TO COST ME MONEY TO FIGHT IT.
- BECAUSE I DIDN'T KNOW WHAT TO DO
- BECAUSE IF THEY DIDN'T WANT TO RENT TO KIDS I DIDN'T WANT TO BE THERE
- BECAUSE HE CAME AROUND AND DECIDED TO GIVE ME THE RENTAL

APPENDIX G: AGENCIES INTERVIEWED

City & County of Honolulu

- State Council on Disability
- Legal Aid Society of Hawaii
- Hawai'i Humane Society
- Catholic Charities
- Accessibility Planning & Consulting, Inc.
- Elderly Affairs Division, City & County of Honolulu
- HomeStreet Bank
- Assisted Living Options Hawai'i
- Mental Health Association in Hawai'i
- Child and Family Services
- Daphne Barbee, Esq.
- Hawai'i Disability Rights Center
- Hawai'i Civil Rights Commission
- Hawai'i State Council on Development Disabilities
- Homeless Division, HPHA
- Centers for Independent Living
- Disability and Communication Access Board
- Housing and Urban Development

County of Hawaii

- Hawai'i Island Catholic Social Ministry Care-A-Van
- Catholic Charities Comm. & Immigrant Services, Kawaihae Transitional Shelter
- Disability Rights Hawai'i
- Mayor's Office, County ADA Coordinator
- Mental Help Hawai'i
- Center for Independent Living
- Office of Housing & Community Development
- The Salvation Army
- United States Department of Agriculture, Rural Development Hawai'i/Western Pacific
- Hawai'i County Office of Aging

County of Maui

- A & B Properties
- Maui County Office of Aging, Elderly Affairs Division
- Hawai'i Disability Rights (HDR)
- Hawai'i Civil Rights Commission
- Legal Aid Society
- American Savings Bank
- Department of Housing and Urban Development (O'ahu)
- Maui County Developmental Disabilities Committee

County of Kaua'i

- Aloha Island Properties
- American Savings Bank
- Catholic Charities Kaua'i
- Department of Housing and Urban Development (HUD)
- Hawai'i Civil Rights Commission
- Hawai'i Disability Rights
- Kaua'i Board of Realtors
- Kaua'i Community Mental Health
- Kaua'i Economic Opportunity
- Legal Aid Society

APPENDIX H: HONOLULU STAR BULLETIN ARTICLE ON RENTAL RATES IN HAWAI'I

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Hawaii housing bias may be underreported

By Mary Vorsino
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Only 43 people pursued housing discrimination cases with the Hawai'i Civil Rights Commission during the last fiscal year — a slight decrease from the year before.

But legal advocates aren't saying the Islands are a model for fair housing; they say housing discrimination goes largely unreported and unchecked.

In fact, despite the low overall number, Hawai'i had one of the nation's worst complaint rates per 100,000 housing units from 2002 to 2006. Hawai'i ranks seventh in the nation for discrimination on that basis, according to a Gannett News Service analysis of federal statistics. On O'ahu there were about 12 complaints per 100,000 housing units from 2002 to 2006, compared with 4.5 complaints per 100,000 housing units nationwide.

Hawai'i fair housing advocates contend the numbers understate the problem. The actual incidence of housing discrimination could be 10 times greater than what is reported, said Howard Lesser, an advocate for the Hawai'i Disability Rights Center.

RETALIATION FEARED

Cynthia Thomas, who runs the Legal Aid Society of Hawai'i's Fair Housing Project, added, "People are reluctant to file a complaint for a variety of reasons, including fear of retaliation by their landlord and the lengthy process of filing a complaint. Many people will choose to tolerate ... discriminatory practices to avoid homelessness or having to move."

An average case in the Islands can take up to six months to complete and some take more than a year. But those willing to lodge complaints face barriers before they even start: Many are unsure where to turn for help and how to back up their claims, advocates say.

The U.S. Department of Housing and Urban Development investigates violations of the federal Fair Housing Act. The Hawai'i Civil Rights Commission

handles violations of state fair housing laws, which offer more protection than the federal statute.

Legal Aid also helps victims of fair housing violations.

The reluctance of victims to come forward makes the job of quantifying the scope of housing discrimination in Hawai'i nearly impossible. Housing advocates believe the tight housing market has worsened the problem, but those claims are based on anecdotal evidence. The figures show a decline. The 43 cases filed with the commission in fiscal year 2007, which ended June 30, were a drop from 57 the year before.

Since January, Legal Aid has received 68 fair housing complaints, Thomas said. Last year, the nonprofit saw 99 complaints, five more than were filed in 2005.

Every year, about 20 of the complaints Legal Aid gets are forwarded to the commission. Another 15 to 20 are pursued by Legal Aid exclusively, while the rest are dropped.

Advocates don't know what to make of Hawai'i's figures or how to interpret the lack of an apparent trend. Over the last decade, the number of housing discrimination cases filed with the commission annually has gone up and down erratically, from a low of 31 in 1999 to a high of 85 a year earlier.

In the face of those figures, advocates in Hawai'i are trying — fruitlessly at times — to raise alarms about housing discrimination and garner funds to increase education and outreach.

Lesser, the disability rights advocate, said the relatively low number of complaints in Hawai'i makes funding for outreach hard to get and hard to keep, but increasingly necessary. "We try to scour the community to find victims," he said. "There's more (discrimination) out there than what's being reported."

DISABILITY TOPS LIST

Though the numbers don't appear to follow a trend, there has been some consistency to who is being victimized. Since fiscal year 1999, disability status has beaten out race, sex and familial status as the top reason for housing complaints filed with the civil rights commission. Forty percent of cases filed with the agency in fiscal 2007 and about one-third of complaints made with the Legal Aid Fair Housing were based on disability discrimination, including outright refusals to rent to people with disabilities.

In addition, the Hawai'i Disability Rights Center took on 47 housing discrimination complaints last year, up from 40 in 2005. Some were forwarded to the Civil Rights Commission, while others were dealt with by the disability rights center.

Advocates can't explain why the disabled are being singled out.

But Christopher Jones, deputy executive director for the Hawai'i Civil Rights Commission, said it appears many landlords discriminate against the disabled — and break fair housing laws — unknowingly. "A lot of people just don't

understand the law," Jones said. "I don't think people want to violate the law. They are not aware of what the law requires."

'THIS ISN'T RIGHT'

Arlene Johnson of 'Ewa Beach is pursuing a housing discrimination complaint against the management company of her development, Ocean Pointe-Spinnaker Place, saying the company failed to accommodate her wheelchair-accessible pickup truck, which has a lift on its back.

Johnson said when she and her husband bought their \$400,000 home in July, they were assured they could park the truck on the street in front of their home and then pursue the use of a handicapped-designated parking space reserved for guests. After they moved in, though, they were told they could not park the truck on the street and could not use a guest spot. The truck would not fit in the garage because of the wheelchair lift, which prevented the garage door from closing — an unsafe situation in a community prone to burglaries.

Recently, they traded in their pickup for a sport utility vehicle after someone threatened Johnson over her complaint. The SUV fits in their garage, but the couple is following through with their discrimination case filed with Legal Aid.

"There's no way we would have closed on a home we thought there was no hope of parking at," said Johnson, who is in a wheelchair and blind. "We didn't want to anger the neighborhood, but this isn't right."

Certified Management Company, which manages Ocean Pointe-Spinnaker Place, declined comment on the case.

Fair housing laws dictate that the disabled are entitled to reasonable accommodations or modifications. Those can include the acceptance of a service dog in a no-pets unit, or giving a tenant permission to build a wheelchair ramp to get into a home. Bill Hoshijo, executive director of the Hawai'i Civil Rights Commission, said Hawai'i's fair housing laws are "substantially equivalent" to the federal Fair Housing Act passed 39 years ago and amended in 1988.

The biggest difference locally came about two years ago, when the Legislature expanded fair housing laws to protect against discrimination because of sexual orientation. So far, the civil rights commission has seen few housing discrimination complaints based on sexual orientation, gender identity or expression.

Other than the civil rights commission, the Legal Aid Society has become the biggest clearinghouse for housing discrimination complaints in the Islands. The Fair Housing Project was kicked off in 2001, primarily concentrating on outreach and education. But in December 2004, with a federal grant, the project switched gears to focus on enforcing fair housing laws.

Besides the approximately 33 percent of complaints to Legal Aid based on disability status, about 20 percent of complaints allege race discrimination, and 15 percent are based on familial status discrimination, in which landlords refuse to rent to people with children.

LANDLORDS TESTED

In addition to taking complaints, the project tests landlords randomly or based on tips. Since 2004, the nonprofit has conducted about 250 tests, in which volunteer testers apply to rent a unit to see whether a landlord is discriminating against a certain protected group.

The tests are admissible as evidence in a discrimination complaint, but are also used to help Legal Aid direct their outreach efforts. When discrimination is found during random tests, Legal Aid contacts the landlord involved to educate them on fair housing laws.

Thomas declined to release the results of the tests, based on confidentiality concerns.

But she said the outcomes of the random sampling tests tend to mimic complaints filed: Disability discrimination is the most common, followed by discrimination against families with young children. "In some cases, we'll have somebody say, 'This isn't the right place for somebody in a wheelchair,' " she said. "If we have a tester that has children, a lot of times they (landlords) don't call back. Or, they say this unit is too small and try to steer them elsewhere."

But even those who lodge complaints often don't stick around to follow through with their case, Thomas said.

Often, she added, complaints don't provide the quick relief tenants are looking for, either to get into a unit or stay in one. An average case takes a year or more to complete.

"You really have to commit to the process once you file a complaint," she said.

The average length of the 47 cases the Hawai'i Civil Rights Commission closed in fiscal year 2006 was 125 days. The year before, the average length of 66 cases that closed was 142 days.