

AOAO of Ka'anapali
NON-DISCRIMINATION POLICY

It is the AOAO of Ka'anapali's policy to prohibit unlawful discrimination in any real estate transaction, including but not limited to, any decision or action related to any residential unit, common area or facility, or to any service or benefit of housing.

State and federal law and the AOAO of Ka'anapali's policy and procedures forbid discrimination against any person because of race, sex, including gender identity or expression, sexual orientation, color, religion, marital status, familial status, ancestry/national origin, disability, age, or human immunodeficiency virus infection, as each is identified in Hawai'i Revised Statutes, Chapter 515, and Title VIII of the Civil Rights Acts of 1968, as amended by the Fair Housing Amendments of 1988.

The AOAO of Ka'anapali's policy and procedure prohibits discrimination because of any of the protected basis listed above including:

1. Refusing to engage in a real property transaction with a person;
2. Discriminating against a person in the terms, conditions, or privileges of a real property transaction or in the furnishing of facilities or services in connection therewith;
3. Refusing to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
4. Refusing to negotiate for a real property transaction with a person;
5. Representing that real property is not available for inspection, sale, rental, or lease when in fact it is available, refusing inspection of real property, or to otherwise steering a person seeking to engage in a real property transaction in order to deprive them of the benefits of living in a discrimination-free environment;
6. Subjecting a person to unwelcome or offensive harassment because of a person's protected basis. Harassment is conduct or a condition that has the purpose or effect of creating an intimidating, hostile, or offensive living environment, or of otherwise adversely affecting an individual's home environment. Harassment prohibited by law and by this policy includes, but is not limited to:
 - a. Verbal harassment such as racial or sexual (or related to any other protected basis) epithets, derogatory comments, insults, jokes, or slurs;
 - b. Physical harassment, such as touching, assault, impeding or blocking movement;
 - c. Requests for sexual favors conditioned upon offered benefits or threats of lost benefits, whether express or implied; or
 - d. Visual forms of harassment, such as displaying racial or sexual (or related to any other protected basis) derogatory poster, cartoon, or drawings that are offensive;
7. Using or creating a statement, advertisement, a sign, an application for real property transaction, or otherwise making a record or inquiry in connection with a prospective real property transaction,

indicating, directly or indirectly, an intent to prefer, limit, specify, or otherwise discriminate because of a protected basis;

8. Refusing to permit, at the expense of a person with a disability, reasonable modifications to existing premises occupied or to be occupied by the person if modifications may be necessary to afford the person full enjoyment of the premises;
9. Refusing to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a housing accommodation:
 - a. If you are a person with a physical or mental condition that substantially limits one or more of your major life activities, such as walking, seeing, hearing, breathing or caring for oneself, and you need a modification to your unit or to a common use area or an accommodation to rules, policies, practices, or services of the AOA of Ka'anapali in order to use and enjoy your housing unit, please contact the AOA for assistance;
 - b. This policy and the AOA of Ka'anapali's *Reasonable Accommodation and/or Modification Policy and Practice* require that all requests for accommodation or modification be responded to in a timely manner so that any individual with a disability is afforded an equal opportunity to use and enjoy housing as quickly as it is possible for AOA to do so. Undue delay in the AOA of Ka'anapali's response to a request for reasonable accommodation and/or reasonable modification is prohibited by the AOA of Ka'anapali's policies because unreasonable delay can, under HRS Chapter 515 and the FHA, constitute failure to permit a reasonable accommodation and/or modification;
 - c. AOA of Ka'anapali's procedures for responding to a request for reasonable accommodation or modification because of disability will comply with HAR § 12-46-306 (a) (1) with respect to the information AOA of Ka'anapali may seek when a disability of a requestor is not readily apparent. The AOA of Ka'anapali may request information to verify that a person has a disability. However, the AOA of Ka'anapali's policy prohibits the AOA of Ka'anapali and any person engaging in a real estate transaction on behalf of the AOA of Ka'anapali from requesting medical records, requesting request access to health care providers, and from making inquiry about the diagnosis, nature, or severity of the person's disability.
 - d. If you are denied a requested reasonable accommodation or the opportunity to make a requested modification, you may contact the Association for further discussion of your needs; and
 - e. No prospective or current owner, tenant or occupant will be subject to adverse action by the AOA of Ka'anapali because they have conveyed a request for reasonable accommodation or modification needed because of disability or because a person with whom they associate has conveyed such a request;
10. Refuse to engage in a real property transaction or deny an equal opportunity to use and enjoy a housing accommodation because a disability requires that a person be allowed an accommodation in the AOA of Ka'anapali's no-pets rule to allow the presence of an assistance animal to ameliorate the effects of a disability;

- a. If you are a person who has a physical or mental condition that substantially limits one or more of your major life activities, you may request a reasonable accommodation in the AOOA of Ka'anapali's no-pets rule to allow you to keep an assistance animal when the animal is necessary to ameliorate the effects of your disability;
- b. Under state and federal law an assistance animal includes a service animal, a guide dog, a signal dog, or an emotional support animal that is required so that a person with a disability can enjoy an equal opportunity to use and enjoy a housing accommodation;
- c. If the disability-related need for an assistance animal is not readily apparent, the AOOA of Ka'anapali may ask a person with a disability to provide the AOOA of Ka'anapali with information verifying that the assistance animal is needed to alleviate one or more symptoms of the person's disability;
 - 1) Verification may be provided by a letter or other communication from the person's treating health care professional, mental health professional, or social worker;
 - 2) The AOOA of Ka'anapali's policy and Hawai'i law prohibit the AOOA of Ka'anapali, including any owner or other person engaging in a real estate transaction related to AOOA of Ka'anapali from making requests for medical records or access to health care providers, and prohibits all requests for information about diagnosis or the nature or severity of a person's disability;

For example, where a person requesting a reasonable accommodation in the AOOA of Ka'anapali's no-pets rule has provided a letter from her treating psychologist stating that the person has an impairment that substantially limits a major life activity and that the assistance animal is needed to prevent or reduce the symptoms of that impairment, Hawai'i law states that when the AOOA of Ka'anapali has received verification as described above, the accommodation has been shown to be necessary for the person to have an equal opportunity to use and enjoy the persons housing and the requested accommodation is reasonable, and consistent with Hawai'i law the AOOA of Ka'anapali's policy requires that the assistance animal be allowed;

- d. Where an assistance animal provides emotional support or other assistance that alleviates one or more symptoms or effects of a disability, the AOOA of Ka'anapali will not require verification that animal has been trained to assist with symptoms or effects of a disability;
- e. When the AOOA of Ka'anapali agrees to allow an exception in its no-pets rule to allow the presence of an assistance animal to ameliorate the effects of a disability AOOA of Ka'anapali may impose reasonable restrictions on its use. The restrictions imposed will not deny a person with a disability an equal opportunity to use and enjoy their housing, including public and common use areas. AOOA of Ka'anapali will uniformly impose reasonable restrictions regarding excessive noise or other problems caused by assistance animals including requiring the person receiving the exception to the rule to:
 - 1) Observe applicable laws, including leash laws and pick-up laws;
 - 2) Assume responsibility for damage caused by the animal;
 - 3) Clean the housing unit upon vacating, by fumigation, deodorizing, professional carpet cleaning, or other appropriate methods;

- 4) Clean the animal's waste;
 - 5) Have the animal licensed with the county, if licensing is required by the county;
 - 6) Have the animal vaccinated with documentation of the vaccination;
 - 7) Have the animal under the control of the animal's owner or handler by use of harness, leash, tether, cage, carrier, or other physical control in common areas. If the nature of the person's disability makes physical control impracticable, or if physical control would interfere with the assistance that the animal provides, the owner or other person engaging in a real estate transaction may require that the animal be otherwise under the control of the animal's owner or handler by voice control, signals, or other effective means; or
 - 8) Leave the housing accommodation in the condition it was prior to the occupancy of the tenant with a disability, except for reasonable wear and tear; and
- f. The AOA of Ka'anapali will neither require a person with a disability requiring an assistance animal to pay any fee, deposit, charge for keeping the animal or obtain insurance as a condition of the AOA of Ka'anapali's approval of a reasonable accommodation request or as a condition of keeping the assistance animal;
11. Retaliating, threatening, or discriminating against a person because they have exercised or enjoyed a right granted by state or federal fair housing laws, because the person opposed a discriminatory practice, or filed a complaint or testified or was otherwise involved in a case involving alleged violations of state or federal fair housing laws;
 - a. All prospective or current owner, tenant, or occupant of the AOA of Ka'anapali may complain about discrimination or potential discrimination to the AOA of Ka'anapali without fear of retaliation by contacting the *Designated Person*, who will promptly and thoroughly investigate the matter and take appropriate corrective action to prevent any/further occurrences of discrimination;
 12. Threatening, intimidating, interfering, or otherwise obstructing or preventing a person in the enjoyment or exercise of full and equal rights to enjoy a housing accommodation as guaranteed by HRS Chapter 515;
 13. Aiding, inciting, or coercing another person to engage in a discriminatory practice prohibited by HRS Chapter 515;
 14. Intimidating or threatening any person engaging in activities designed to make other persons aware of, or encouraging such other persons to exercise rights granted or protected by state or federal law;
 15. Threatening, intimidating or interfering with a person's enjoyment of a housing accommodation because of the protected basis of the person or because of the protected basis of a visitor or associate of the person;
 16. Instituting or applying facially neutral policies or restrictions which policy or restriction result in a disparate adverse impact because of a protected basis;
 17. Discrimination in the selling, brokering, or appraising of residential real property because of any of the protected classes; or

18. Failing to design and construct housing accommodations in a manner that it has at least one accessible entrance, unless it is impracticable to do so because of the terrain or unusual characteristics of the site.¹

You Also Have the Right to Contact and/or File A Complaint With:

HAWAI'I CIVIL RIGHTS COMMISSION

Keelikolani Building

830 Punchbowl Street, Room 411

Honolulu, Hawaii 96813

Phone: (808) 586-8636

TDD: (808) 586-8692

Facsimile: (808) 586-8655

E-mail: info@hicrc.org

Website: <http://www.hawaii.gov/labor/hcrc/>

Neighbor Islands call (toll-free):

Kaua'i: 274-3141, ext. 6-8636#

Maui: 984-2400, ext. 6-8636#

Hawai'i: 974-4000, ext. 6-8636#

Lana'i & Moloka'i: 1-800-468-4644, ext. 6-8636#

All prospective or current owners, tenants, or occupants of the AOA of Ka'anapali may complain about discrimination or potential discrimination to the Hawai'i Civil Rights Commission without fear of retaliation.

¹ In connection with the design and construction of housing occupancy after March 13, 1991. See, H.R.S. §515-3(12).