STAND. COM. REP. NO. **832** -06

Honolulu, Hawaii

Monh3, 2006

RE: H.B. No. 105 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

## Sir:

Your Committee on Judiciary, to which was referred H.B. No. 105 entitled:

"A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE,"

begs leave to report as follows:

The purpose of this bill is to make rental units drug-free, by:

- (1) Prohibiting tenants and their guests from possessing drugs in or near the tenant's unit; and
- (2) Authorizing landlords to bring a summary proceeding for possession of the unit upon violation of the prohibition.

The Hawaii Association of Realtors and a concerned individual testified in support of this bill. The Department of the Prosecuting Attorney of the City and County of Honolulu supported the intent of this measure.

Your Committee has concerns that this measure as drafted may confuse landlords who attempt to apply the law in relying on a "written notice or report" regarding "possession" of a dangerous, harmful, or detrimental drug on the landlord's property.

Presently, section 521-3(B), Hawaii Revised Statutes (HRS), provides: "Every legal right, remedy, and obligation arising out

HB105 HD1 HSCR JUD HMS 2006-2450

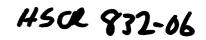
of a rental agreement not provided for in this chapter shall be regulated and determined under chapter 666, and in the case of conflict between any provision of this chapter and a provision of chapter 666, this chapter shall control." Within chapter 666, section 666-3, HRS, contains provisions for landlords to terminate leases in cases of violations of laws prohibiting drug offenses more serious than possession. These provisions need to be harmonized.

Your Committee supports the concept of assisting landlords in ridding properties of drug dealers, but without prior concurrence, your Committee is unable to amend this bill to address the concerns. Accordingly, your Committee has amended this bill by changing the effective date to January 1, 2096, to promote further discussion. Technical, nonsubstantive amendments were also made for clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 105, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 105, H.D. 1.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

SYLVIA LUKE, Chair



## State of Hawaii House of Representatives The Twenty-third Legislature

## Record of Votes of the Committee on Judiciary

| Bill/Resolution No.:   | Date:  |           |      |         |
|--|--|-----------|------|---------|
| HB105 (HSCR68)   | 2/20/06  |           |      |         |
| Committee Referral: HSG, CPC, JUD  | ☐ The committee is reconsidering its previous decision on the measure. |           |      |         |
| The recommendation is to:  Pass, unamended   | Pass, with amendments  |           |      |         |
| ☐ Hold   | ☐ Recommit   |           |      |         |
| JUD Members  | Ayes   | Ayes (WR) | Nays | Excused |
| 1. LUKE, Sylvia (C)  | 1  |           |      |         |
| 2. OSHIRO, Blake K. (VC)   | <b>✓</b>   |           |      |         |
| 3. CALDWELL, Kirk  |  |           |      |         |
| 4. KANOHO, Ezra R.   | <b>✓</b>   |           |      |         |
| 5. KARAMATSU, Jon Riki   | /  |           |      |         |
| 6. MORITA, Hermina M.  |  |           |      |         |
| 7. SONSON, Alex M.   |  |           |      |         |
| 8. SOUKI, Joseph M.  |  |           |      | /       |
| 9. MARUMOTO, Barbara C.  |  |           |      |         |
| 10. THIELEN, Cynthia   |  |           |      |         |
| TOTAL  | <i>a</i>   |           |      |         |
| TOTAL  | - <del>U</del>   |           |      | 2       |
| The recommendation is:  Adopted  Not Adopted  If joint referral, did not support recommendation.  committee acronym(s) |  |           |      |         |
| Vice Chair's or designee's signature:  |  |           |      |         |
| Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office                 |  |           |      |         |