STAND. COM. REP. NO. 968

Honolulu, Hawaii

March 2 , 2007

RE: H.B. No. 469 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and Judiciary, to which was referred H.B. No. 469 entitled:

"A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS,"

beg leave to report as follows:

The purpose of this bill is to provide equal opportunities to housing by prohibiting discrimination in real property transactions based on one's status as a victim of domestic violence.

The Hawaii Civil Rights Commission, Legal Aid Society of Hawaii, Hawaii State Commission on the Status of Women, Hawaii Family Forum, Roman Catholic Church in the State of Hawaii, and a concerned individual testified in support of this bill. The Hawaii Chapter of the Community Associations Institute submitted comments.

This bill seeks to ensure that domestic violence victims attempting to secure and maintain housing are not further victimized by discriminatory practices in real property transactions. However, your Committees recognize that the interests of other stakeholders, such as landowners or neighbors of properties where domestic violence might occur, must also be considered.

Accordingly, your Committees have amended this measure by:



- (1) Amending the new definition of "victim of domestic violence", as follows:
  - (A) Specifying that a felony or misdemeanor crime of violence committed against a person deemed to be a victim of domestic violence must have been committed within the past three years;
  - (B) Providing that a person obtaining a current valid temporary restraining order (TRO) or protective order (PO) is not deemed a victim of domestic violence if the person:
    - (i) Aids and abets the subject perpetrator in a course of action;
    - (ii) Does not comply with the intent of the TRO or PO; or
    - (iii) Does not report to or seek the assistance
       of law enforcement,

and thereby causes the person's neighbors to fear for their safety or sustain property damage or suffer substantial emotional distress.

- (2) Replacing the definition of "stalking" with a reference to the offense of harassment by stalking under section 711-1106.5, Hawaii Revised Statutes;
- (3) Prohibiting discrimination against victims of domestic violence in real estate transactions, while allowing:
  - (A) Reasonable restrictions or prohibitions against excessive noise or other problems caused by perpetrators of domestic violence; and
  - (B) The requirement that a victim of domestic violence obtain insurance, surety bonds, or other financial security against property damage or other losses sustained by the landowner or neighboring tenants or landowners caused by future acts of domestic violence:

- (4) Changing the effective date to June 30, 2099, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 469, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 469, H.D. 1.

> Respectfully submitted on behalf of the members of the Committees on Consumer Protection & Commerce and Judiciary,

ROBERT N. HERKES, Chair

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

## **Record of Votes of the Committee on Consumer Protection & Commerce**

Bill/Resolution No.:	Date:	Date:				
нв 469	Februa	February 27, 2007				
Committee Referral: HSH, CPC/JUD	☐ The compreviou	☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended	Pa	Pass, with amendments				
☐ Hold		<ul> <li>Pass, with amendments, for recommittal for further consideration</li> </ul>				
CPC Members	Ayes	Ayes (WR)	Nays	Excused		
1. HERKES, Robert N. (C)	У					
2. McKELVEY, Angus L.K. (VC)	ኦ					
3. CALDWELL, Kirk	χ.					
4. EVANS, Cindy	×			333		
5. GREEN, Josh, M.D.	<b>*</b>					
6. ITO, Ken	X					
7. LUKE, Sylvia	×					
8. MORITA, Hermina M.	¥			Add		
9. SONSON, Alex M.			×			
10. SOUKI, Joseph M.	x					
11. TSUJI, Clift	X					
12. YAMANE, Ryan I.	X					
13. YAMASHITA, Kyle T.	X					
14. MARUMOTO, Barbara C.	×		And the second second second			
15. THIELEN, Cynthia				<b>)</b>		
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	7.000					
TOTAL	13		l			
The recommendation is: Adopted						
The recommendation is: 💆 Adopted						
☐ Not Adopted						
	mittee acronym(	did not suppo	rt recommendation			
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee De	ouplicate (Yellov	w) – HMSO	Duplicate (Pink) – (	Clerk's Office		

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

## **Record of Votes of the Committee on Judiciary**

Bill/Resolution No.:	Date:	Date:				
HB 469		2/27/07				
Committee Referral: HSH, CPC/JUA		☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended	🗹 Pa	Pass, with amendments				
☐ Hold	<ul> <li>Pass, with amendments, for recommittal for further consideration</li> </ul>					
JUD Members	Ayes	Ayes (WR)	Nays	Excused		
1. WATERS, Tommy (C)	/					
2. OSHIRO, Blake K. (VC)	<b>✓</b>					
3. CALDWELL, Kirk	-					
4. EVANS, Cindy	/					
5. GREEN, Josh, M.D.						
6. ITO, Ken	/					
7. LUKE, Sylvia						
8. McKELVEY, Angus L.K.	/					
9. MORITA, Hermina M.						
10. SONSON, Alex M.			_			
11. SOUKI, Joseph M.	/					
12. TSUJI, Clift	1			3 - 5 - 100 -		
13. YAMANE, Ryan I.						
14. YAMASHITA, Kyle T.			- minimized			
15. MARUMOTO, Barbara C.	/					
16. PINE, Kymberly Marcos				-		
17. THIELEN, Cynthia				/		
TOTAL	14		l	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						