STAND. COM. REP. NO. 🥣

3023

Honolulu, Hawaii

FEB 2 9 2020

RE: S.B. No. 2996 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2996 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- Prohibit landlords from recovering possession of dwelling units from tenants if habitability of premises is significantly impaired;
- (2) Set a tenant's liability for rent if habitability of premises is significantly impaired; and
- (3) Provide remedies for unlawful retaliatory evictions.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs' Office of Consumer Protection, Pono Hawai'i Initiative, Chinatown Gateway Plaza Tenant Association, Parents and Children Together, Hawaii Appleseed Center for Law and Economic Justice, and one individual. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS[®].

Your Committee finds that forty-three percent of households in the State are renters. The State also has the least amount of



STAND. COM. REP. NO. 3023

affordable housing inventory in the nation, resulting in thousands of families, many of whom are already facing eviction, being unable to find alternative housing. Your Committee further finds that evictions result in significant financial and social costs to the evicted household and the surrounding community, including homelessness, unemployment, crime, and mental and physical illness; thus, eviction procedures must carefully balance the landlord's need for sufficient enforcement against the tenant's need for sufficient protection. This measure establishes safeguards to enable tenants to defend themselves against wrongful evictions and prevent tenants from becoming targets for abuse or retaliation.

Your Committee has amended this measure by:

- Deleting the reference to "significant impairment" as it is an undefined term;
- (2) Changing the effective date to August 26, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 2996, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2996, S.D. 1, and be placed on the calendar for Third Reading.

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

Kal Th

KARL RHOADS, Chair



The Senate Thirtieth Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:			Date:	
SB 2996	JDC			2/20/2020	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR	R) Nay	Excused
RHOADS, Karl (C)		1			
KEOHOKALOLE, Jarrett (VC)		/			· · · · · · · · · · · · · · · · · · ·
GABBARD, Mike					/
KIM, Donna Mercado		1			
FEVELLA, Kurt					
			<u> </u>		
TOTAL		3			2
Recommendation:			·		·
X Adopted			Not Adopted		
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Committeee					

*Only <u>one</u> measure per Record of Votes