STAND. COM. REP. NO.

784

Honolulu, Hawaii

FEB 18 ' 2021

RE: H.B. No. 391 H.D. 2

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 391, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish a process for the early termination of a rental agreement for certain active duty servicemembers who:

- (1) Receive military orders to vacate civilian housing and move into on-post government quarters;
- (2) Become eligible to live at on-post government quarters and failure to move into on-post government quarters will result in a forfeiture of the basic allowance for housing; or
- (3) Die while serving on active duty.

Your Committee received testimony in support of this measure from the Chamber of Commerce Hawaii and four individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee finds that servicemembers can lose their housing allowance when they get divorced, no longer have dependents, or do not have physical custody of children. In this event, servicemembers will be required to move into barracks regardless of any valid lease to which they are a party. Your Committee further finds that this measure will help ensure that servicemembers will not have to face evictions or serious financial hardship if they are no longer eligible for a basic housing allowance and need to terminate a residential lease for off-post housing.

Your Committee notes the concerns expressed in written testimony submitted to your Committee that this measure has the potential for abuse, and that there are instances in which it may not be appropriate to provide for the relief allowed in this measure. As an example, a servicemember may be ordered to vacate civilian housing to prevent abuse to a spouse. In such a case, your Committee finds that servicemembers should not avail themselves of the provisions of this measure to their benefit, which may also leave their spouse homeless.

Your Committee has amended this measure by:

- (1) Specifying that the process for early termination of a rental agreement does not apply if the military orders are a result of disciplinary action or court order; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 391, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.B. No. 391, H.D. 2.

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Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

AARON LING JOHANSON, Chair

State of Hawaii House of Representatives The Thirty-first Legislature HSCR 384

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 391 HD1	Committee Referral: CMV, CPC, JH	A Date:	2/12/2	021
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)	V			
2. KITAGAWA, Lisa (VC)		.e ·	1000	
3. AQUINO, Henry J.C.				
3. Agonto, nemy s.c.				
4. HAR, Sharon E.				
5. HASHEM, Mark J.	V			
6. KONG, Sam Satoru				
7. MIZUNO, John M.		A page 1		
8. MORIKAWA, Dee		darmina		1
o. Morning, Dec				
9. ONISHI, Richard H.K.				V
10. TARNAS, David A.				V
11. MATSUMOTO, Lauren				
			:	
TOTAL (11)	8	0	0	3
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				