

STAND. COM. REP. NO. 2904

Honolulu, Hawaii

**MAR 01 2024**

RE: S.B. No. 2904  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2904, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the emergency management law to protect tenants, mortgagors, consumers, and residents for certain periods of time after the issuance of a gubernatorial or mayoral emergency proclamation.

Your Committee received testimony in support of this measure from the Hawai'i Emergency Management Agency; one member of the Maui County Council; Lāhainā Strong; We Are One, Inc.; Tagnawa; Hawai'i Alliance for Progressive Action; and fifty-five individuals.

Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS, Wailuku Federal Credit Union, Hickam Federal Credit Union, Hawaii Credit Union League, Maui Federal Credit Union, Hawaii State Federal Credit Union, Land Use Research Foundation of Hawaii, Valley Isle Community Federal Credit Union, Pearl Hawaii Federal Credit Union, Honolulu Federal Credit Union, Aloha Pacific Federal Credit Union, NAIOP Hawaii, Hawaiian Financial Federal Credit Union, Building Owners and Managers Association of Hawaii, Maui County Federal



Credit Union, Consumer Data Industry Association, Hawaii Bankers Association, Big Island Federal Credit Union, and two individuals.

Your Committee received comments on this measure from the Department of the Attorney General, Division of Financial Institutions of the Department of Commerce and Consumer Affairs, Building Industry Association of Hawaii, and Hawaii Financial Services Association.

Your Committee finds that the unprecedented events of the August 2023 Maui wildfires have shown the need to offer emergency economic assistance to those directly impacted by devastating emergency situations. Your Committee further finds that it is imperative to provide all impacted parties with a comprehensive understanding of their rights and options before, during, and after an emergency, which includes ensuring that individuals are fully informed about their rights and available courses of action throughout the duration of a proclamation. This measure grants residential tenants, business and home owners, as well as other affected individuals, the right to manage their personal and business affairs in response to the event, allowing them to put their lives back in order amidst the emergency.

Your Committee has amended this measure by:

- (1) Clarifying that the Governor or mayor may declare that the mortgagee of a property in an area that is subject to an emergency proclamation is required to:
  - (A) Upon receipt of a request from a mortgagor of the property, defer the collection of mortgage payments for up to three years; and
  - (B) Upon receipt of a subsequent request from a mortgagor of the property, defer the collection of mortgage payments for up to an unspecified number of years for good cause;
- (2) Inserting language clarifying that a consumer reporting agency or user of a consumer report that receives a request to exclude consideration of certain adverse information from a person permitted to request the



exclusion pursuant to an emergency proclamation is required to:

- (A) Respond to the requestor within the time period prescribed by 15 U.S.C. §1681i; and
  - (B) Honor the person's request, or in the alternative, should federal law bar the consumer reporting agency or user of a consumer report from honoring the request, provide a written explanation identifying the basis for refusal;
- (3) Deleting language that would have prohibited an association, as defined in section 421J-2 or 514B-3, Hawaii Revised Statutes, from requiring any unit owner to purchase insurance for emergencies or disasters likely to be addressed by proclamations under chapter 127A, Hawaii Revised Statutes, except to the extent the association is authorized by the association's governing documents or applicable federal or state law; and
- (4) 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. 2904, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2904, S.D. 2.

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



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KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>EB 2904 SD1</b>	Committee Referral: <b>PSM / CPN, JDC</b>	Date: <b>02 / 29 / 24</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.		✓		
SAN BUENAVENTURA, Joy A.		✓		
AWA, Brenton	✓			
<b>TOTAL</b>	<b>3</b>	<b>2</b>	<b>—</b>	<b>—</b>

Recommendation:      Adopted      Not Adopted

Chair's or Designee's Signature:  


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**\*Only one measure per Record of Votes**