

Honolulu, Hawaii

MAR 24 2006

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

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Housing,  
to which was referred H.B. No. 105, 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 prohibit tenants or their  
guests from possessing dangerous, harmful, or detrimental drugs in  
a dwelling unit or on surrounding premises. A summary proceeding  
for possession (eviction) is authorized for violation of the  
prohibition.

Testimony in support of the measure was submitted by the  
Department of the Prosecuting Attorney, City and County of  
Honolulu, and by the Hawaii Association of Realtors.

Your Committee finds that this measure is necessary to  
address the very serious problem caused for landlords and  
neighbors by the escalation of illegal drug use in our  
communities.

Your Committee has amended the measure for greater effect and  
closer harmony with the Hawaii Penal Code by replacing:

- (1) Amendment of sections 521-52 and 521-72, Hawaii Revised  
Statutes, relating to a landlord's remedies for improper  
use of a premises, with amendment of sections 521-51 and



521-69, relating to a landlord's remedies for unlawful use;

- (2) Reference to "unlawful possession" with reference to the broader offense of promoting dangerous, harmful, or detrimental drugs; and
- (3) Reference to "any written notice or report regarding" with reference to "charged with or convicted of" a drug offense.

Your Committee has also changed the effective date of the measure to read July 1, 2050, for purposes of further discussion, and has made technical, nonsubstantive amendments for clarity.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 105, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 105, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.


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

  
\_\_\_\_\_  
RON MENOR, Chair



The Senate  
Twenty-Third Legislature  
State of Hawaii

Record of Votes of the  
Committee on Commerce, Consumer Protection and Housing  
(Bills and Resolutions)

Measure:* <b>HB 105 HD1</b>	Committee Referral: <b>CPH, JAW</b>	Date: <b>3-20-06</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to:				
<input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
MENOR, Ron (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
ESPERO, Will	✓			
IGE, David Y.				✓
SAKAMOTO, Norman				✓
HOGUE, Bob	✓			
TOTAL	4	-	-	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Do not list more than one measure per Record of Votes.