

STAND. COM. REP. NO. 968

Honolulu, Hawaii

March , 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:

HB469 HD1 HSCR CPC-JUD HMS 2007-2730



- (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,

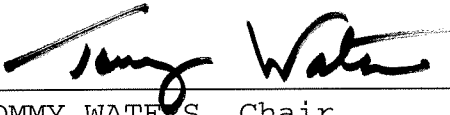
and thereby causes the person's neighbors to fear for their safety or sustain property damage or suffer substantial emotional distress.
- (2) Replacing the definition of "stalking" with a reference to the offense of harassment by stalking under section 711-1106.5, Hawaii Revised Statutes;
- (3) Prohibiting 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;



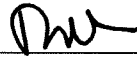
- (4) Changing the effective date to June 30, 2099, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for clarity and style.

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,



TOMMY WATERS, Chair



ROBERT N. HERKES, Chair



