

Honolulu, Hawaii

APR 05 2007

RE: H.B. No. 469
H.D. 1
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 469, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS,"

begs leave to report as follows:

The purpose of this measure is to eliminate discrimination against victims of domestic violence in real estate transactions.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission; Voices, the Formerly Battered Women's Caucus of Hawai'i; the Board of the Hawai'i Women Lawyers; and the Legal Aid Society of Hawai'i. The Hawaii Association of Realtors (HAR) provided comments. The Community Associations Institute Hawaii Chapter and the Hawaii Council of Associations of Apartment Owners testified in opposition to the measure. The National Association of Real Property Managers concurred with the testimony of the HAR, and added comments.

The Civil Rights Commission proposed that this measure be amended by adding a new section within chapter 521, Hawaii Revised Statutes, to prohibit a landlord from evicting a tenant based on an incident of domestic violence when the tenant obtains a restraining order or calls the police to prevent future incidents. Your Committee notes that every incident of alleged discrimination cited by the Legal Aid Society involved a landlord and a tenant, rather than a sale or purchase of real property.

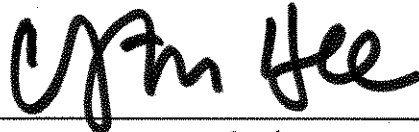


Your Committee has amended this measure by:

- (1) Amending section 521-74, Hawaii Revised Statutes, retaliatory evictions and rent increases prohibited, by adding a new subsection that prohibits a landlord from instituting court proceedings to recover possession of the dwelling unit or otherwise causing the tenant to quit the dwelling unit involuntarily solely because of the tenant's status as a victim of domestic violence; and
- (2) Making technical, nonsubstantive revisions for clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 469, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 469, H.D. 1, S.D. 2.

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



CLAYTON HEE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 469 HD1, SD1	Committee Referral: JDL	Date: 4/4/07
---	-----------------------------------	------------------------

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
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
INOUE, Lorraine R.	/			
NISHIHARA, Clarence K.		/		
GABBARD, Mike		/		
TOTAL	3	2		

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:
Russell S. Koh

Distribution:
 Original Yellow Pink
 File with Committee Report Clerk's Office Drafting Agency

*Only one measure per Record of Votes