

Honolulu, Hawaii

FEB 18 2009

RE: S.B. No. 784
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Human Services, to which was referred S.B. No. 784 entitled:

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

begs leave to report as follows:

The purpose of this measure is to require landlords to provide tenants with notice to tenants when foreclosure proceedings of the rental property begin and to further provide sixty days written notice to vacate prior to the rental property being sold in foreclosure.

Testimony in support of this measure was submitted by the Legal Aid Society of Hawaii and the Hawaii Financial Services Association. The Hawaii Board of Realtors submitted comments. Copies of written testimony are available for review on the Legislature's website.

Your Committee finds that the growing number of foreclosures in Hawaii is adversely impacting the portion of the State's residents who rent or lease their places of residence. In many cases, tenants do not receive warning that a foreclosure is taking place, denying them the opportunity to locate replacement housing.

Your Committee further finds that the measure's requisite sixty-day notice period is in excess of the notice currently required for landlords to terminate month-to-month rental agreements. Your Committee finds that the forty-five day notice required by chapter 521, Hawaii Revised Statutes, is reasonable,



and should apply to this measure. However, if a landlord and tenant enter into a rental contract providing for a longer notice period with respect to foreclosure actions, then the contractual notice period shall be applicable.

Your Committee has amended the measure as follows:

- (1) Reducing the number of days of notice a landlord must provide to a tenant in possession of property that is the subject of a foreclosure proceeding from sixty to forty-five days, provided that if an enforceable rental agreement requires a longer notice period, then the contractually established notice period shall apply; and
- (2) Making technical amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 784, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 784, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,


Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 784	HMS, CPN	2/12/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<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	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
GREEN, M.D., Josh	✓			
HEMMINGS, Fred			✓	
TOTAL	3	0	1	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes