

STAND. COM. REP. NO.

2852

Honolulu, Hawaii

MAR 13 2014

RE: H.B. No. 1503
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1503, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to void rental agreement provisions that allow for the eviction of a tenant who has a valid certificate for the medical use of marijuana unless:

- (1) The rental agreement allows for eviction for smoking tobacco and the medical marijuana is consumed by smoking; or
- (2) The articles of incorporation, declaration, bylaws, administrative rules, house rules, association documents, or similar documents of a condominium property regime or planned community association prohibit the medical use of marijuana.

Your Committee received testimony in support of this measure from the Office of Consumer Protection of the Department of Commerce and Consumer Affairs, Drug Policy Action Group, American Civil Liberties Union of Hawai'i, and seven individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Hawai'i Association of REALTORS and one individual.

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Your Committee finds that although this measure makes some important clarifications about the use of medical marijuana by a tenant with a valid certificate for the medical use of marijuana, it does not introduce any new rights for Hawaii tenants. Rather, this measure clarifies that if smoking tobacco is banned in a residential setting, then smoking medical marijuana is also banned. However, absent a ban on tobacco smoking, the use of medical marijuana is not banned per se under this measure.

Although your Committee has heard the concerns that this measure gives tenants with a valid certificate for the medical use of marijuana protection against eviction in any circumstances, your Committee finds that these concerns do not accurately reflect the intent of this measure. If a tenant fails to pay rent or otherwise violates a specific lease provision, this measure does not shield that tenant from an eviction process that is unrelated to the medical use of marijuana. Your Committee further finds that the use of medical marijuana by a tenant, as proposed by this measure, is not intended to supersede other provisions in a rental agreement, such as timely payment of rent.

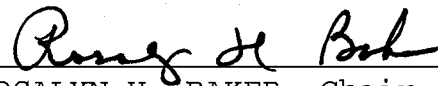
Finally, your Committee notes that should this measure be enacted, additional time will be necessary for rental agreement forms to be updated in conformance with the requirements of this measure.

Accordingly, your Committee has amended this measure by inserting an effective date of November 1, 2014.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1503, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1503, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.



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




ROSALYN H. BAKER, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1503, HD1	CPN, JDL	3-11-14		
<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
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
NISHIHARA, Clarence K.	✓			
WAKAI, Glenn	✓			
SLOM, Sam				✓
TOTAL	4	0	0	1
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