

STAND. COM. REP. NO.

1067

Honolulu, Hawaii

March 3, 2017

RE: H.B. No. 1009  
H.D. 2

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1009, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require landlords to provide a tenant access to a dwelling unit for a period of twenty-four hours for the removal of personal property when the tenant quits the premises for failure to pay rent or the landlord has been awarded possession of the dwelling unit by the court; and
- (2) In such cases, deem the personal property abandoned and allow the landlord to immediately dispose of the tenant's property if the tenant fails to remove and dispose of the property within twenty-four hours.

The Hawaii Public Housing Authority (Authority) and a concerned individual testified in support of this measure. The Office of Consumer Protection of the Department of Commerce and Consumer Affairs and Legal Aid Society of Hawaii testified in

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opposition to this measure. The Hawaii Association of Realtors provided comments.

Your Committee was presented with testimony from the Director of the Authority that adherence to the residential landlord tenant code was causing a delay in the provision of much needed units to renters who were on the waiting list for public housing. The Director also noted that the Authority has an extensive appeals process which the Authority adheres to in order to protect the rights of former tenants.

Additionally, your Committee notes that no testimony was presented by private landlords that the provisions contained in this measure are desperately needed in the private sector rental housing market.

Because of the Authority's need to be relieved of compliance with the residential landlord tenant code, given the Authority's own appeals process, and because no testimony was received from private landlords regarding the necessity of this measure, your Committee has amended this measure by deleting its contents and replacing it with language that exempts the Authority from the requirements of the residential landlord-tenant code for structures or properties owned, directly controlled, or managed by the Authority.

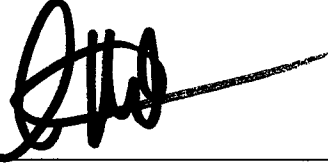
Your Committee has also amended this measure by:

- (1) Changing its effective date to July 1, 2017; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1009, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1009, H.D. 2.



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



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ANGUS L.K. McKELVEY, Chair



