

STAND. COM. REP. NO.

330

Honolulu, Hawaii

FEB 14 2019

RE: S.B. No. 635
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 635 entitled:

"A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE IX, SECTION 5, OF THE CONSTITUTION OF THE STATE OF HAWAII,"

begs leave to report as follows:

The purpose and intent of this measure is to propose an amendment to article IX, section 5, of the Constitution of the State of Hawaii, to require the State to assure that each resident of the State has access to housing, subject to standards and criteria to be provided by the Legislature.

Your Committee received testimony in support of this measure from Hawaiian Community Assets, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and three individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the price of housing and the lack of affordable housing have been persistent and ongoing problems in Hawaii. Your Committee further finds that there are many ways in which the State can contribute to the development of affordable and accessible housing. However, your Committee notes that establishing a constitutional right to the assurance of access to housing could have significant unintended consequences.



Accordingly, your Committee has amended this measure by:

- (1) Reviving the purpose section to reflect the recent challenges faced by the State in providing affordable housing to Hawaii residents;
- (2) Removing constitutional language establishing a right to assurance of access to housing for each resident of the State;
- (3) Adding constitutional language requiring the Legislature to consider the effect of its actions on the price of housing in the State; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 635, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 635, S.D. 1, and be referred to your Committee on Ways and Means.

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



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 635	Committee Referral: JDC, WAM	Date: 2/7/19		
<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
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes