

Honolulu, Hawaii

February 12, 2019

RE: H.B. No. 931

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 931 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) Prohibit landlords from recovering possession of dwelling units from tenants if habitability of premises is significantly impaired;
- (2) Specify that a tenant's liability shall not exceed the fair rental value if habitability of premises is significantly impaired; and
- (3) Specify that the damages for a retaliatory eviction be equal to two months rent or free occupancy for two months.

The Department of Commerce and Consumer Affairs, Hawai'i State Commission on the Status of Women, Lawyers for Equal Justice, Hawaiian Community Assets, Chinatown Gateway Plaza Tenant Association, Hawaii Alliance for Progressive Action, PHOCUSED, and Parents And Children Together testified in support of this measure. The Hawai'i Association of REALTORS testified in



opposition. The Department of the Attorney General provided comments.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to promote further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee notes that concerns were raised in testimony that the provisions within this measure would be challengeable under the Takings Clauses of the United States Constitution and the Constitution of the State of Hawai'i. Should your Committee on Judiciary consider this measure, your Committee respectfully requests that it examine these legal concerns raised in testimony.

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. 931, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 931, H.D. 1, and be referred to your Committee on Judiciary.

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



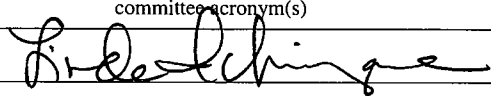
ROY M. TAKUMI, Chair



State of Hawaii
House of Representatives
The THIRTIETH Legislature

HJR 307

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 931	Committee Referral: CPC, JUD	Date: 2/9/19		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	✓			
2. ICHIYAMA, Linda (VC)	✓			
3. AQUINO, Henry J.C.				✓
4. BELATTI, Della Au	✓			
5. CABANILLA ARAKAWA, Rida	✓			
6. CACHOLA, Romy M.	✓			
7. HAR, Sharon E.	✓			
8. KONG, Sam Satoru	✓			
9. MIZUNO, John M.	✓			
10. ONISHI, Richard H.K.	✓			
11. MATSUMOTO, Lauren		✓		
TOTAL (11)	9	1	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				