

STAND. COM. REP. NO.

3023

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2996

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2996 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit landlords from recovering possession of dwelling units from tenants if habitability of premises is significantly impaired;
- (2) Set a tenant's liability for rent if habitability of premises is significantly impaired; and
- (3) Provide remedies for unlawful retaliatory evictions.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs' Office of Consumer Protection, Pono Hawai'i Initiative, Chinatown Gateway Plaza Tenant Association, Parents and Children Together, Hawaii Appleseed Center for Law and Economic Justice, and one individual. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS®.

Your Committee finds that forty-three percent of households in the State are renters. The State also has the least amount of



affordable housing inventory in the nation, resulting in thousands of families, many of whom are already facing eviction, being unable to find alternative housing. Your Committee further finds that evictions result in significant financial and social costs to the evicted household and the surrounding community, including homelessness, unemployment, crime, and mental and physical illness; thus, eviction procedures must carefully balance the landlord's need for sufficient enforcement against the tenant's need for sufficient protection. This measure establishes safeguards to enable tenants to defend themselves against wrongful evictions and prevent tenants from becoming targets for abuse or retaliation.

Your Committee has amended this measure by:

- (1) Deleting the reference to "significant impairment" as it is an undefined term;
- (2) Changing the effective date to August 26, 2050, to encourage further discussion; and
- (3) 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. 2996, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2996, S.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



