

STAND. COM. REP. NO.

107

Honolulu, Hawaii

FEB 10 2021

RE: S.B. No. 162
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 162 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 specify that the amount of damages recoverable by a tenant subjected to an unlawful retaliatory eviction is equal to two months' rent.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs and Imua Alliance. Your Committee received testimony in opposition to this measure from the Collection Law Section of the Hawaii State Bar Association. Your Committee received comments on this measure from one individual.

Your Committee finds that a number of other states have statutory minimum damage awards for tenants who are illegally retaliated against for asserting their lawful rights to request that repairs be made to their rental property or for complaining about health or safety code violations. This measure is in the best interest of justice and establishes a statutory minimum damage award for tenants to further deter unscrupulous landlords from engaging in wrongful conduct.



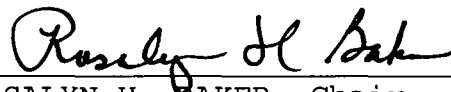
Your Committee notes the concerns raised in testimony that the State already recognizes the defense of retaliatory eviction in a summary possession action, which a court will consider prior to ruling on whether to allow the tenant to stay. Accordingly, amendments to this measure are necessary to clarify that the statutory minimum damage award contemplated by this measure should be allowed only if the courts were not involved in the eviction, further discouraging "self-help" evictions by landlords who do not first seek court permission before evicting tenants.

Your Committee has therefore amended this measure by:

- (1) Clarifying that a tenant who has been involuntarily dispossessed by an unlawful retaliatory eviction, without a court order, is entitled to recover damages in an amount equal to two months' rent and the cost of suit, including reasonable attorney's fees; and
- (2) 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 162, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 162, S.D. 1, and be placed on the calendar for Third Reading.

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



ROSALYN H. BAKER, Chair



