

STAND. COM. REP. NO.

2232

Honolulu, Hawaii

FEB 11 2022

RE: S.B. No. 2494
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2494 entitled:

"A BILL FOR AN ACT RELATING TO THE RESIDENTIAL 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 a dwelling unit from tenants if habitability of the premises is significantly impaired;
- (2) Set a tenant's liability for rent if habitability of the premises is significantly impaired; and
- (3) Provide remedies for retaliatory evictions.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS and one individual.

Your Committee finds that the most common complaint received by the Office of Consumer Protection's Landlord-Tenant Information Center relates to landlords' failure to make repairs in a timely manner. Existing state law provides that tenants may only deduct



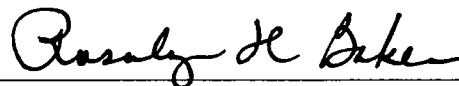
up to \$500 from their following month's rent if a landlord does not respond to the tenant's written repair request within twelve days, but costs to repair conditions that materially affect health and safety can easily exceed \$500, leaving the tenant with limited recourse to address unsanitary or dangerous conditions. This measure sets a clear standard of damages for tenants who fall victim to retaliatory evictions and gives landlords an incentive to fix their properties quickly.

Your Committee has amended this measure by:

- (1) Clarifying that a tenant shall cooperate with the landlord to allow for the restoration of the dwelling unit to a habitable condition and continue to pay rent equal to the fair rental value of the unit or the agreed upon rent, whichever is less;
- (2) Replacing the term "premises" with the term "dwelling unit", where appropriate; 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2494, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2494, S.D. 1, and be referred to your Committee on Judiciary.

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

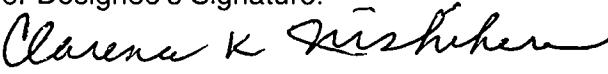


ROSALYN H. BAKER, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2494	CPN, JDC	2-2-2022		
<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
BAKER, Rosalyn H. (C)	/			
CHANG, Stanley (VC)	/			
DECOITE, Lynn	/			
NISHIHARA, Clarence K.	/			
RIVIERE, Gil	/			
SAN BUENAVENTURA, Joy A.	/			
FEVELLA, Kurt		/		
TOTAL	6	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