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February 12, 2024

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

RE: SB2132 RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE.

Dear Senators,

I am an attorney and have practiced landlord-tenant law for over 30 years. I believe the changes contained in SB2132 serve to benefit both landlords and tenants and write in support of the legislation. SB2132 represents a necessary update to HRS 521-64 of the Residential Landlord Tenant Code. The last amendment to HRS 521-64 came in 1995, nearly 30 years ago. SB2132 seeks to update HRS 521-64 in two practical and necessary ways.

First, the code presently allows tenants to deduct no more than \$500 from their rent to make repairs when a landlord fails to do so. Since it is very difficult to, for example, replace a refrigerator for \$500, this update to the code will allow tenants meaningful relief when a landlord does not fulfill its obligation to make repairs.

Secondly, the statute is amended to require a landlord to commence repairs within ten calendar days, rather than five "business days". This change provides clarity to both the Landlord and tenant as to when repairs shall commence. Currently, the Hawaii Landlord tenant code does not define what a "business day" is. It is, therefore, unclear when and how business days should be calculated. For instance, if a landlord's property management office is closed on Tuesdays and does not conduct business on that day, does that allow them to exclude Tuesdays from the 5-business day calculation? Using a deadline based on calendar days rather than business days resolves any ambiguity in the law and allows landlords and tenants to better understand their rights and obligations under HRS 521-64.

Additionally, allowing the landlord 10 calendar days to begin repairs allows a reasonable time for the Landlord to begin work. As anyone who has needed to make necessary repairs to their home can attest, the process of finding, contracting, and scheduling such work can often take more than a week.

Thank you for considering my testimony. Please let me know if you have any questions.

Very truly yours,

/s/ David W. H. Chee

David W. H. Chee

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SB-2132

Submitted on: 2/15/2024 10:28:47 PM

Testimony for CPN on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Tom	Testifying for Waipahu Safe Haven Immigrant/Migrant Center	Support	Written Testimony Only

Comments:

Testimony in Support of SB2132

RELATED TO RESIDENTIAL LANDLORD TENANT CODE

Committee on Commerce and Consumer Protection

Senator Jarret Keohokalole, Chair

Senator Carol Fukunaga Vice Chair

Hearing Date February 16, 2024

Dear Chair Keohokalole and Vice Chair Fukunaga , and Members of the Committee

I am writing in strong support of SB2132, which amends the deadline related to repair of the conditions that constitute health or safety violations and the payment of past due rent. Increases the amount deducted from a tenants rent for tenants' actual expenditures to correct the health and safety violations and defective conditions.

Waipahu Safe Haven Immigrant/Migrant Center has received numerous complaints from tenants who live under horribly unsafe conditions with the lack of hot water for years, no stove, refrigerators, and electrical outlets that are malfunctioning. Even when they repair it, sometimes little or no compensation in rent is given. However, the current amount allowed by the tenant code will not even begin to cover the repair cost in today's economy. This bill will be a first step in providing just compensation for repairs that impact health and safety for families. It also

allows for deadlines for these repairs that will lessen the impact to the health and safety of these families.

Waipahu Safe Haven Center fully supports SB2132 and look forward to its passage.

Thank you for your consideration,

Barbara Tom, Director

Waipahu Safe Haven Immigrant/Migrant Resource Center



HAWAII WORKERS CENTER

Defending and Respecting the workers of
Hawai'i

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February 15, 2024

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Sergio Alcubilla III, Esq.

Hawai'i State Senate
Committee on Commerce and Consumer Protection
Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

**RE: SUPPORT for S.B. 2132 RELATING TO THE RESIDENTIAL LANDLORD-TENANT
CODE.**

Dear Chair Sen. Keohokalole, Vice-Chair Sen. Fukunaga, and Members of the Committee on
Commerce and Consumer Protection:

The Hawai'i Workers Center (HWC) envisions a Hawai'i in which all workers are empowered to
exercise their right to organize for their social, economic and political well-being.
It is a resource of information, education, training and organizing for Hawaii's workers.

The HWC stands in support of S.B. 2132 which amends the deadlines related to the repair of
conditions that constitute health or safety violations and the payment of past due rent. Increases
the amount deducted from a tenant's rent for the tenant's actual expenditures to correct health or
safety violations and defective conditions.

We offer the following comments:

1. Ordinary repairs as described in HRS 521-64 (c) providing the landlord 12 business days to
commence repairs should also be amended to 12 calendar days for consistency;
2. Emergency repairs as described in HRS 521-64 (c) providing the landlord 3 business days to
commence repairs should also be amended to 3 calendar days for consistency.

We also ask that this committee consider a working group be formed for the purpose of updating
HRS 521, the Landlord-Tenant Code regarding enforcement of habitability standards.

Sincerely,

Sergio Alcubilla
Executive Director