

STAND. COM. REP. NO. 3002

Honolulu, Hawaii

MAR 01 2024

RE: S.B. No. 2127
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2127, S.D. 1, 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 allow an applicant to request a certified copy of the applicant's criminal background check and credit report from one landlord or the landlord's agent to provide to another landlord or that landlord's agent in lieu of paying a fee to cover the costs of obtaining another criminal background check or credit report.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs' Office of Consumer Protection.

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

Your Committee received comments on this measure from the Maui Chamber of Commerce.

Your Committee finds that in a tight housing market, the costs of multiple applications for prospective tenants can result



in significant economic hardship. Applicants may be required to submit multiple application fees to landlords or their agents who are using those fees to obtain similar information. This measure will reduce the financial burden of applying for rental units while reducing the work of landlords and their agents to obtain certain information.

Your Committee has amended this measure by:

- (1) Clarifying that a landlord or a landlord's agent is prohibited from charging an application fee for a criminal background check or credit report if the applicant provides a copy of the criminal background check or credit report that has not been falsely altered, instead of requiring the applicant to provide a certified copy;
- (2) Clarifying that upon request by the applicant, a landlord or the landlord's agent is required to provide the applicant a copy of the applicant's criminal background checks and credit reports that are less than thirty days old, instead of requiring the landlord or the landlord's agent to provide a certified copy;
- (3) Inserting language establishing that it is a violation, punishable by a fine of \$1,000, for an applicant to present a copy of the applicant's criminal background check or credit report that has been falsely altered;
- (4) Inserting language defining "falsely altered" to mean, in relation to a written instrument, a written instrument that has been changed, without the authority of the ostensible maker, drawer, or issuing commercial establishment, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner, so that the instrument so altered falsely appears or purports to be in all respects an authentic creation of its ostensible maker, or authorized by the maker or issuing commercial establishment;
- (5) Amending section 1 to reflect its amended purpose; and



- (6) 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. 2127, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2127, S.D. 2.

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



KARL RHOADS, Chair



