

HB858 HD2

Measure Title: RELATING TO DOMESTIC VIOLENCE.

Report Title: Landlord-Tenant Code; Domestic Violence; Early Termination

Description: Permits the termination of residential rental agreements in cases of domestic violence. Specifies additional procedures under the residential landlord-tenant code for instances of domestic abuse. (HB858 HD2)

Companion:

Package: None

Current Referral: CPN, JDL

Introducer(s): MIZUNO, CREAGAN, EVANS, MCKELVEY, Rhoads

March 17, 2015

The Honorable Rosalyn H. Baker, Chair

Senate Committee on Commerce and Consumer Protection
State Capitol, Room 229
Honolulu, Hawaii 96813

RE: H.B. 858, H.D.2, Relating to Domestic Violence

HEARING: Tuesday, March 17, 2015, at 9:00 a.m.

Aloha Chair Baker, Vice Chair Taniguchi, and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,400 members. HAR offers **comments** on H.B. 858, H.D.2 which permits the termination of residential rental agreements in cases of domestic violence. Specifies additional procedures under the residential landlord-tenant code for instances of domestic abuse.

HAR appreciates what this measure is trying to accomplish in protecting domestic violence victims, and recommends the following amendments.

Under this measure, if there are multiple tenants, the security deposit will remain with the unit until everyone vacates. At that time, the deposit will be refunded in the name of those who originally signed the Rental Agreement. This would mean the victim and abuser would need to get together to divide up the deposit, which may create an uncomfortable and unnecessary situation. Rather, it would make logistical sense to allow the security deposit to be refunded at the discretion of the landlord upon the surrender of the dwelling unit and termination of the rental agreement.

HRS 521-A, (c), Page 3-4, beginning on line 18:

The landlord shall not be required to refund security deposits or prepaid rents under section 521-44 until:

(1) The rental agreement terminates with respect to all tenants and the dwelling unit is surrendered to the landlord; or

(2) Early termination is effected pursuant to this subsection, in which case each terminating tenant shall receive a pro-rated share of any security deposit or prepaid rent from the landlord **upon termination of the rental agreement.**

HAR requests that verbiage be added to allow the security deposit to be returned as determined by the court or parties in writing as to what percentage share of the security deposit each tenant is to receive. If this is not done the landlord should be allowed to refund the security deposit in equal shares to each tenant on the rental agreement.

Additionally, under HRS 521-C (c), Page 10:

(c) The landlord shall return security deposits and prepaid rent recoverable under section 521-44 and pursuant to section 521A (b) and (c) following the termination of the rental agreement and the surrender of the dwelling unit to the landlord.

Finally, HAR respectfully requests a November 1, 2015, effective date to allow us to review and make necessary changes to our Rental Agreement, Suggested Checklist for Vacating Tenants or other forms as appropriate.

Mahalo for the opportunity to testify.



PROTECTING HAWAII'S OHANA, CHILDREN, UNDER SERVED, ELDERLY AND DISABLED

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TO: Senator Rosalyn H. Baker, Chair
Senator Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce & Consumer Protection

FROM: Scott Morishige, MSW
Executive Director, PHOCUSED

HEARING: **Tuesday, March 17, 2015 at 9:00 a.m.**

Testimony in Support of HB858 HD2, Relating to Domestic Violence.

Thank you for the opportunity to provide testimony in **support** of HB858 HD2, which would permit the termination of residential rental agreements in cases of domestic violence. PHOCUSED is a nonprofit membership and advocacy organization that works together with community stakeholders to impact program and policy change for the most vulnerable in our community, including victims of domestic violence.

Our membership includes organizations, such as Child & Family Service, Parents & Children Together, and Domestic Violence Action Center, which serve victims of domestic violence and their families. Through the work these organizations do every day, they can attest firsthand that the inability to exit a rental agreement quickly and without penalty or fees often serves as a barrier that prevents a victim from leaving an abusive relationship.

In addition, under our current system, if a victim does break a rental agreement to exit a dangerous situation, they are often unable to pay fees or other penalties associated with breaking the agreement and this information may negatively impact the victim's credit. Poor credit then makes it more difficult for a victim of domestic violence to secure new housing for themselves and their family.

HB858 HD2 would enable victims of domestic violence to exit early from a residential agreement, upon showing written documentation of their situation (i.e. copy of an order of protection, copy of a police report, etc.). We see this bill as a critical step to strengthen protections for victims of domestic violence in our community.

Once again, PHOCUSED urges your support of this bill. If you have any questions, please do not hesitate to contact PHOCUSED at 521-7462 or by e-mail at admin@phocused-hawaii.org.



CATHOLIC CHARITIES HAWAII

Testimony in Support of HB 858, HD2 Relating to Domestic Violence.

TO: Senator Rosalyn Baker, Chair
Senator Brian Taniguchi, Vice Chair
Members, Committee on Commerce and Consumer Protection

FROM: Trisha Kajimura, Social Policy Director

HEARING: **Tuesday, March 17, 2015 at 9:00 a.m. in Conf. Rm. 229**

Thank you for the opportunity to provide **testimony in support of HB 858, HD2**, which would permit the early termination of residential rental agreements in cases of domestic violence.

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawai'i for over 60 years. CCH has programs serving individuals, elders, children, developmentally disabled, homeless and immigrants. Our mission is to provide services and advocacy for the most vulnerable in Hawai'i.

As part of program services, CCH provides individual and group counseling services for domestic violence victims. CCH also provides services to prevent homelessness and help homeless people obtain and maintain housing.

The issue of housing is a critical one for domestic violence victims and complicates the situation for victims wanting to leave their abusive household. Housing and where a victim and her children will stay if she leaves her abuser is a major consideration for victims. Being locked into a lease may prevent a victim from leaving her abuser as she considers her financial resources and ability to find a new place to live if she were to leave. A victim who has a rental lease agreement and the ability to pay rent needs the opportunity to leave her abuser and spend her income on rent at a home without her abuser. We do not want that victim's ability to be self-sufficient to be hampered by bad credit, rent payments for a place she does not live in, or penalty fees from breaking her old lease.

Thank you for your support. We appreciate this opportunity to bring to light one of the housing challenges faced by victims of domestic violence. Please consider supporting this bill and helping to strengthen policy that protects victims of domestic violence.

Please contact me at (808)527-4810 or trisha.kajimura@catholiccharitieshawaii.org if you have any questions.





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Testimony of Hawai'i Appleseed Center for Law and Economic Justice
Supporting House Bill 858 Relating to Domestic Violence
Senate Committee on Commerce Consumer Protection
Scheduled for Hearing Tuesday, March 17, 2015, 9:00 AM, Room 229

Hawai'i Appleseed Center for Law and Economic Justice is a nonprofit law firm created to advocate on behalf of low income individuals and families in Hawai'i on issues of statewide importance. Our core mission is to help our clients access to the resources, services, and fair treatment they need to realize their opportunities for self-achievement and economic security.

Thank you for an opportunity to testify in **strong support** of House Bill 858, which would permit the termination of rental agreements for victims of domestic violence. Protecting victims from these penalties and for early termination will remove one barrier to leaving a domestic violence situation.

The inability to leave a rental agreement can prevent a victim from fleeing an abusive relationship. Leaving an abuser requires factoring in many serious considerations, including the victim's safety, legal options, housing, financial security, and children. Worrying about civil penalties for breaking a lease is a burden no victim should have to think about when attempting to leave her abuser. Financial abuse, which very frequently accompanies physical violence, compounds these difficulties as victims are left without access to household income or resources. These penalties for early termination on a victim who has fled may also increase the likelihood of her returning to the abuser.

As advocates for low-income individuals and families, Hawai'i Appleseed is also cognizant of the disproportionate impact such penalties for early termination have on the most financially insecure victims. While domestic violence impacts all socioeconomic groups—a victim's own income in no way protects her from abuse—those who lack their own resources certainly will not be able to cover the penalties for breaking a lease. Low-income victims may also have fewer social and family supports who could provide financial assistance. And an inability to pay these penalties can plague a survivor after she has left an abusive relationship by damaging her credit, hampering her ability to achieve financial stability for her and her family.

Removing this one barrier chips away at these struggles and provides an essential protection to victims of domestic violence. No victim should have to worry about a penalty incurred through no fault of her own when deciding whether to leave her abuser, and no survivor should face a barrier to her financial stability—and risk returning to her abuser—because of a financial penalty. Again, thank you for the opportunity to testify in support of this important measure to protect those suffering from domestic violence.

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: teresa.parsons@hawaii.edu
Subject: Submitted testimony for HB858 on Mar 17, 2015 09:00AM
Date: Sunday, March 15, 2015 11:18:33 PM

HB858

Submitted on: 3/15/2015

Testimony for CPN on Mar 17, 2015 09:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Teresa Parsons | Individual | Support | No |

Comments: In cases of domestic violence, victims need to be able to move to a safer environment. Funds are typically tight and victims need all their resources to set up a New household. I stand in strong support of this bill and urge you to pass this bill. Mahalo for the opportunity to testify in support of this bill.

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From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: jamesjtz@aol.com
Subject: Submitted testimony for HB858 on Mar 17, 2015 09:00AM
Date: Sunday, March 15, 2015 10:19:59 PM

HB858

Submitted on: 3/15/2015

Testimony for CPN on Mar 17, 2015 09:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| James Gauer | Individual | Support | No |

Comments: May deter domestic violence and seek help

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From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: mjgolo@email.phoenix.edu
Subject: *Submitted testimony for HB858 on Mar 17, 2015 09:00AM*
Date: Saturday, March 14, 2015 11:52:15 AM

HB858

Submitted on: 3/14/2015

Testimony for CPN on Mar 17, 2015 09:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Mike Golojuch | Individual | Support | No |

Comments:

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To: [CPN Testimony](#)
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for HB858 on Mar 17, 2015 09:00AM*
Date: Monday, March 16, 2015 11:38:27 AM

HB858

Submitted on: 3/16/2015

Testimony for CPN on Mar 17, 2015 09:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dara Carlin, M.A. | Individual | Support | No |

Comments:

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