

Honolulu, Hawaii

March 6, 2015

RE: H.B. No. 858

H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 858, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose of this measure is to assist victims of domestic violence by:

- (1) Allowing for the early termination of residential rental agreements in certain cases where the tenant or an immediate family member is a victim of domestic violence;
- (2) Specifying the procedures and rights of the landlord and tenants under the Residential Landlord-Tenant Code for such instances of domestic abuse; and
- (3) Allowing the landlord to terminate the rental agreement, under certain conditions, if the landlord finds that any remaining tenants do not demonstrate the ability to pay rent.

The Hawaii Women's Coalition; PHOCUSED; Ala Kuola; Hawaii State Coalition Against Domestic Violence; Catholic Charities Hawaii; and two concerned individuals supported this measure. Two concerned individuals opposed this measure. The Hawaii



Association of Realtors and the Domestic Violence Action Center commented on this measure.

Your Committee has amended this measure by:

- (1) Limiting the right to early termination of the lease to rental agreements of one year or less;
- (2) Adding a definition of "domestic violence", which has the same meaning as "domestic abuse" as used in Chapter 586, Hawaii Revised Statutes, for purposes of protective orders and the Victims Leave Act;
- (3) Requiring that the tenant must state in writing that the tenant reasonably believes that the perpetrator of the domestic violence knows where the tenant or immediate family member residing in the dwelling unit lives, unless the perpetrator also lives at the rental unit as part of the documentation provided to the landlord;
- (4) Providing for the return of the security deposit when there are multiple tenants and not all are vacating early, and requiring that the landlord equally divide the security deposit and return the divided portion to the vacating tenants; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 H.B. No. 858, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 858, H.D. 2.

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



KARL RHOADS, Chair



