

STAND. COM. REP. NO. 994

Honolulu, Hawaii

MAR 24 2015

RE: H.B. No. 858
H.D. 2
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 858, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Permit the termination of residential rental agreements in cases of domestic violence; and
- (2) Specify additional procedures under the residential landlord-tenant code for instances of domestic violence.

Your Committee received testimony in support of this measure from PHOCUSED, Catholic Charities Hawai'i, Hawai'i Appleseed Center for Law and Economic Justice, Ala Kuola, and four individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Hawai'i Association of REALTORS.

Your Committee finds that housing is a critical issue for domestic violence victims. Inability to exit a rental agreement quickly and without penalties or fees may serve as a barrier that prevents a domestic violence victim from leaving an abusive relationship. Domestic violence victims who break a rental agreement in an effort to exit a dangerous situation may be unable to pay fees or other associated penalties. This can have a



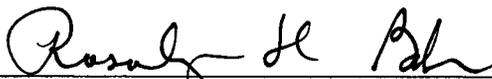
negative impact on a victim's credit, which may make it more difficult to secure housing at a later date. Your Committee further finds that this measure enables victims of domestic violence to terminate residential rental agreements and specifies procedures under the residential landlord-tenant code for instances of domestic violence, thereby strengthening protections for domestic violence in the community.

Your Committee has amended this measure by:

- (1) Clarifying requirements for a landlord to refund security deposits or prepaid rent following the termination of the rental agreement;
- (2) Specifying that the percentage of any security deposit to be returned shall be determined by the court or by the parties in writing, but permitting the landlord to refund the security deposit in equal shares to each tenant on the rental agreement, if there is no court determination or agreement from the parties in writing;
- (3) Inserting an effective date of November 1, 2015; and
- (4) 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 H.B. No. 858, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 858, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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

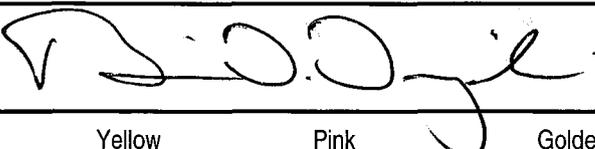


ROSALYN H. BAKER, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 858 HD2	CPN, JDL	3/17/15		
<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)	✓			
TANIGUCHI, Brian T. (VC)	✓			
KAHELE, Gilbert	✓			
KIDANI, Michelle N.				✓
NISHIHARA, Clarence K.				✓
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	2
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