

Honolulu, Hawaii

APR 10 2015

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

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

Madam:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 858, H.D. 2, S.D. 1, 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 early 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 the Hawaii Family Law Clinic, dba Ala Kuola; Catholic Charities Hawaii; Parents and Children Together; PHOCUSED; and five individuals. Your Committee received testimony in opposition to this measure from one individual.

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 against domestic violence in the community.

Your Committee has amended this measure by:

- (1) Deleting language that would have allowed a verification in a record signed by the tenant and an attesting third party as one of the documents that must accompany a notice of early termination of tenancy;
- (2) Removing the definition of "domestic violence" under section 521-A, Hawaii Revised Statutes, and inserting it under a new section under part VI of chapter 521, Hawaii Revised Statutes;
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion; 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 Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 858, H.D. 2, S.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, S.D. 2.

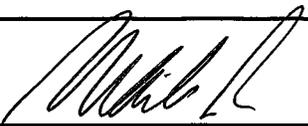
Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 858 HD2 SD1	CPN, JDL	4/6/15		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	7			
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes