

Honolulu, Hawaii

APR 07 2017

RE: H.B. No. 1009
H.D. 3
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 1009, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to exempt residence or occupancy in a structure or on a property directly controlled, owned, and managed by the Hawaii Public Housing Authority (Authority) from the requirements of the residential landlord-tenant code.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority. Your Committee received comments on this measure from the Office of Consumer Protection of the Department of Commerce and Consumer Affairs.

Your Committee finds that eighty-six percent of Authority properties are exempt from the landlord-tenant code, as the exemption applies to public housing projects or complexes controlled, owned, or managed by the Authority pursuant to the federal Low Rent Public Housing Program. However, state low-income public housing properties directly controlled, owned, and managed by the Authority are not covered by any exemption. According to testimony received by your Committee, the Authority's requirement to adhere to certain provisions in the landlord-tenant



code, relating to removal of a tenant's personal property after a tenant wrongfully quit the property or was given notice to quit, has caused a delay of much-needed units to renters on the waiting list for public housing.

Accordingly, this measure provides an exemption from the landlord-tenant code for the remaining fourteen percent of Authority properties. Your Committee notes that, pursuant to federal rules, the Authority complies with strict requirements when handling tenant issues and evictions, including adherence to board hearings and peer review prior to decision making. This measure therefore allows for greater equality between those in federal and state public housing, while also protecting tenants' rights and ensuring that all tenants in Authority-controlled housing receive the same due process, regardless of the property in which they reside.

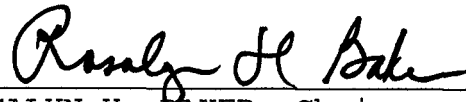
Your Committee has amended this measure by:

- (1) Changing its effective date to upon approval, but delaying the effective date for its implementation to July 1, 2018, to allow the Authority time to work with public housing tenants and resident associations in the adoption of administrative rules; and
- (2) 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, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1009, H.D. 3, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1009, H.D. 3, S.D. 1.



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



ROSALYN H. BAKER, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* HB1009 , HD3	Committee Referral: HDU, CPH	Date: 4/4/17		
<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)	/			
NISHIHARA, Clarence K. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
KIDANI, Michelle N.	/			
RUDERMAN, Russell E.	/			
TOTAL	7			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Clarence K. Nishihara</i></div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes