

STAND. COM. REP. NO.

379

Honolulu, Hawaii

, 2021

FEB 18

RE: H.B. No. 1376

H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1376 entitled:

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

begs leave to report as follows:

The purpose of this measure is to implement certain tenant protections once the final eviction moratorium expires pursuant to a COVID-19 state of emergency proclamation, including:

- (1) Extending the notice period for summary possession from five days to fifteen days for failure to pay rent;
- (2) Requiring landlords to provide the notice to mediation centers;
- (3) Requiring landlords to enter into mediation if scheduled by a tenant, which will delay when a landlord may seek summary possession; and
- (4) Restricting when landlord remedies are available depending on the amount of rent due.

Your Committee received testimony in support of this measure from one member of the Maui County Council; Callahan Realty, Ltd.; and two individuals.

2021-1599 HB1376 HD1 HSCR HMSO



Prior to the hearing on this measure, your Committee posted and made available for public review a proposed H.D. 1, which amends this measure by:

- (1) Specifying that a defect in the notice provided by the landlord that is not intentional or material may be cured without dismissing an action for summary judgment;
- (2) Amending the schedule for when the remedy is available to a landlord in relation to when a final eviction moratorium expires, rather than a set range of dates after the effective date of this measure;
- (3) Inserting an appropriation;
- (4) Changing the effective date to upon its approval; and
- (5) Specifying that this measure repeals one year after the expiration date of a final eviction moratorium imposed pursuant to a state of emergency proclamation related to the COVID-19 emergency.

Your Committee received testimony in support of the proposed H.D. 1 from the Department of Commerce and Consumer Affairs, Hawai'i Association of REALTORS, Legal Aid Society of Hawai'i, and one individual. Your Committee received comments on the proposed H.D. 1 from the Judiciary.

Your Committee finds that the COVID-19 pandemic and the extraordinary governmental responses to contain the spread of the disease have ravaged the State's economy. Your Committee further finds that this negative economic effect threatens to exacerbate the State's pre-pandemic housing crisis with many tenants unable to pay rent and facing possible eviction.

Your Committee notes that the Governor's emergency proclamations related to the COVID-19 emergency have prevented a wave of evictions by imposing an eviction moratorium. However, once the eviction moratorium ceases, many tenants will face the possibility of eviction.

Your Committee further finds that the proposed H.D. 1 will provide a balanced, fair procedure for landlords and tenants to seek rental assistance and mediate and negotiate a resolution



before evicting a tenant. The proposed H.D. 1 further provides for a phased return of evictions and staging evictions sooner for tenants who are further behind in rent. The proposed H.D. 1 is critical to ensure tenants are not threatened with homelessness during this uncertain economic period and prevent a flood of evictions within the judicial system.

Your Committee has amended this measure by adopting the proposed H.D. 1 and further amending the measure by:

- (1) Clarifying that the notice to the tenant shall provide that a landlord may file an action for summary possession if rent due is not paid and if mediation is not scheduled;
- (2) Specifying that the amount appropriated is for the Judiciary to contract for mediation services;
- (3) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1376, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1376, H.D. 1, and be referred to your Committee on Finance.

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



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AARON LINE JOHANSON, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature **HSCR 379**

**Record of Votes of the Committee on Consumer Protection & Commerce**

Bill/Resolution No.: <b>HB 1376</b>	Committee Referral: <b>CPC, FIN</b>	Date: <b>2/10/2021</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)	✓			
2. KITAGAWA, Lisa (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HAR, Sharon E.	✓			
5. HASHEM, Mark J.	✓			
6. KONG, Sam Satoru	✓			
7. MIZUNO, John M.	✓			
8. MORIKAWA, Dee	✓			
9. ONISHI, Richard H.K.	✓			
10. TARNAS, David A.	✓			
11. MATSUMOTO, Lauren	✓			
<b>TOTAL (11)</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Dee Morikawa</i></u>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				