

STAND. COM. REP. NO.

784

Honolulu, Hawaii

FEB 18, 2021

RE: H.B. No. 391

H.D. 2

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. 391, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish a process for the early termination of a rental agreement for certain active duty servicemembers who:

- (1) Receive military orders to vacate civilian housing and move into on-post government quarters;
- (2) Become eligible to live at on-post government quarters and failure to move into on-post government quarters will result in a forfeiture of the basic allowance for housing; or
- (3) Die while serving on active duty.

Your Committee received testimony in support of this measure from the Chamber of Commerce Hawaii and four individuals. Your Committee received testimony in opposition to this measure from one individual.

2021-1734 HB391 HD2 HSCR HMSO



Your Committee finds that servicemembers can lose their housing allowance when they get divorced, no longer have dependents, or do not have physical custody of children. In this event, servicemembers will be required to move into barracks regardless of any valid lease to which they are a party. Your Committee further finds that this measure will help ensure that servicemembers will not have to face evictions or serious financial hardship if they are no longer eligible for a basic housing allowance and need to terminate a residential lease for off-post housing.

Your Committee notes the concerns expressed in written testimony submitted to your Committee that this measure has the potential for abuse, and that there are instances in which it may not be appropriate to provide for the relief allowed in this measure. As an example, a servicemember may be ordered to vacate civilian housing to prevent abuse to a spouse. In such a case, your Committee finds that servicemembers should not avail themselves of the provisions of this measure to their benefit, which may also leave their spouse homeless.

Your Committee has amended this measure by:

- (1) Specifying that the process for early termination of a rental agreement does not apply if the military orders are a result of disciplinary action or court order; and
- (2) 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. 391, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.B. No. 391, H.D. 2.



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



AARON LING JOHANSON, Chair



