

STAND. COM. REP. NO.

872

Honolulu, Hawaii

MAR 05 , 2021

RE: H.B. No. 391
H.D. 3

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 391, H.D. 2, 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; provided that the orders are not the result of disciplinary action or a court order;
- (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 six individuals. Your Committee received comments on this

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measure from the Hawai'i Association of REALTORS and one individual.

Your Committee finds that a servicemember who becomes divorced, no longer has dependents, or does not have physical custody of children may lose their housing allowance. In such an event, the servicemember is required to move into barracks, regardless of any valid lease to which they are a party. This measure will help ensure that servicemembers will not be subjected to evictions or face financial hardship because of a loss of eligibility for a basic housing allowance and a need to terminate a residential lease for off-post housing; provided that a requirement to move into barracks is not the result of a disciplinary action or court order.

Your Committee has amended this measure by:

- (1) Amending the conditions for early termination to more narrowly require that the servicemember tenant receive military orders requiring the servicemember tenant to vacate civilian housing and move into on post government quarters, and failure to move into on-post government quarters will result in a forfeiture of the servicemember tenant's basic allowance for housing; 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 391, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 391, H.D. 3.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



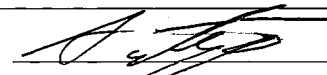
MARK M. NAKASHIMA, Chair



State of Hawaii
 House of Representatives
 The Thirty-first Legislature

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Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 391, HD2	Committee Referral: CMV, CPC, JHA	Date: 3-4-21		
<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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.				✓
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane				✓
12. WARD, Gene	✓			
TOTAL (12)	10	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				