

STAND. COM. REP. NO.

1108

Honolulu, Hawaii

**MAR 24 2021**

RE: H.B. No. 391  
H.D. 3  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Commerce and Consumer Protection, to which was referred H.B. No. 391, H.D. 3, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to establish a process for the early termination of a rental agreement for certain active duty servicemembers who receive military orders to vacate civilian housing and move into on-post government quarters, or who die while serving on active duty.

Your Committees received testimony in support of this measure from two individuals. Your Committees received testimony in opposition to this measure from the Hawaii Association of REALTORS. Your Committees received comments on this measure from two individuals.

Your Committees find 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 Committees further find that this measure will help to 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 Committees have amended this measure by:

- (1) Specifying that servicemember tenants are required to request permission to maintain their housing allowance from their commanding officer before giving early termination notice to their landlord;
- (2) Specifying that written proof from the commanding officer denying the servicemember's request to maintain their housing allowance is required to be shown to the landlord along with the early termination notice;
- (3) Clarifying that the early termination notice starts after the landlord receives the commanding officer's written proof;
- (4) Clarifying that the notice requirement for early termination from non-terminating tenants who fail to demonstrate the ability to pay the rent is thirty days rather than fifteen days;
- (5) Inserting an effective date of July 1, 2030, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 391, H.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 391, H.D. 3, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committees on Public Safety,  
Intergovernmental, and Military  
Affairs and Commerce and  
Consumer Protection,

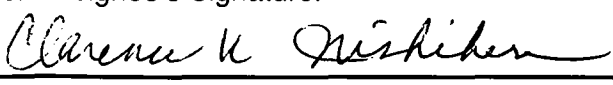
  
\_\_\_\_\_  
ROSALYN H. BAKER, Chair

  
\_\_\_\_\_  
CLARENCE K. NISHIHARA, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental, and Military Affairs**  
**PSM**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 391, HD3	PSM/CPN, JDC	3/18/2021		
<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
NISHIHARA, Clarence K. (C)	/			
ENGLISH, J. Kalani (VC)	/			
BAKER, Rosalyn H.	/			
RIVIERE, Gil	/			
FEVELLA, Kurt	/			
<b>TOTAL</b>	5	-	-	-
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes

The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:*	Committee Referral:	Date:
HB 391 HD3	PSM/CPN, JDC	3-18-2021

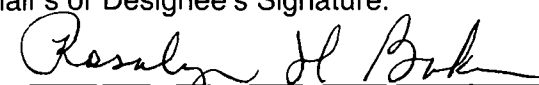
The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

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
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Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
MISALUCHA, Bennette E.	✓			
NISHIHARA, Clarence K.	✓			
RIVIERE, Gil	✓			
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	7	-	-	-

Recommendation:  Adopted  Not Adopted

Chair's or Designee's Signature:  


Distribution:      Original                      Yellow                      Pink                      Goldenrod  
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