

STAND. COM. REP. NO.

720

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 1388
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1388, S.D. 1, 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:

- (1) Extend the period for a notice of summary possession from five days to fifteen;
- (2) Require landlords to provide notice with specified terms and enter into mediation;
- (3) Delay when a landlord may seek possession of a dwelling unit if the tenant schedules or attempts to schedule mediation;
- (3) Require landlords to provide the notice to mediation centers that offer free mediation for residential landlord-tenant disputes; and
- (4) Restrict when a landlord may exercise certain remedies depending on the amount of rent due.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawai'i



Housing Finance and Development Corporation, Hawai'i Association of REALTORS, Catholic Charities Hawai'i, Hawaii Appleseed Center for Law and Economic Justice, Legal Aid Society of Hawai'i, and one individual. Your Committee received comments on this measure from the Medical-Legal Partnership Hawai'i.

Your Committee finds that, since the start of the coronavirus disease 2019 pandemic, the caseload of the courts concerning landlord-tenant disputes has doubled with nearly nine hundred cases being filed. The current environment for evictions due to non-payment has been, and will continue to be, very fluid as state and federal moratoriums for evictions due to non-payment of rent continue to be extended. Your Committee further finds that at some point, the moratoriums will expire and the large number of eviction cases will need to be addressed by the courts. This measure is intended to provide a balanced approach to allow landlords and tenants to resolve these outstanding claims in a manner that is flexible and equitable, as well as orderly.

Your Committee has amended this measure by:

- (1) Inserting an effective date of May 6, 2137, to encourage further discussion; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1388, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1388, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
SB 1388 SO1	CPN, JDC	02/24/2021

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

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	7	0	0	0

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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*Only one measure per Record of Votes