

STAND. COM. REP. NO.

119

Honolulu, Hawaii

FEB 10 2021

RE: S.B. No. 35  
S.D. 1

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

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 35 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit landlords from recovering possession of a dwelling unit from tenants if habitability of the premises is significantly impaired;
- (2) Set a tenant's liability for rent if habitability of the premises is significantly impaired; and
- (3) Provide remedies for retaliatory evictions.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs and Imua Alliance. Your Committee received testimony in opposition to this measure from the Collection Law Section of the Hawaii State Bar Association, Hawai'i Association of REALTORS, and one individual.

Your Committee finds that the most common complaint received by the Department of Commerce and Consumer Protection's Landlord-Tenant Information Center concerns landlords failing to make



repairs in a timely manner. Under existing state law, a tenant has the legal right to request necessary repairs without being evicted, and if the landlord does not respond in a certain number of days, the tenant may deduct up to \$500 from the following month's rent for the cost of repairs. However, the cost to repair conditions that materially affect health and safety can exceed \$500, leaving a tenant with limited recourse. This measure will help incentivize landlords to keep their rental units safe and sanitary, establishes a clear standard of damages for tenants who fall victim to retaliatory evictions, and will deter unscrupulous landlords from engaging in unlawful conduct.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2124, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purpose of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 35, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 35, S.D. 1, and be referred to your Committee on Judiciary.

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

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



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:                                 |                                  |         |
| SB 35   | CPN, JDC  | 02-02-2021                            |                                  |         |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____ |   |                                       |                                  |         |
| The Recommendation is:  |   |                                       |                                  |         |
| <input type="checkbox"/> Pass, unamended<br>2312  | <input checked="" type="checkbox"/> Pass, with amendments<br>2311 | <input type="checkbox"/> Hold<br>2310 |                                  |         |
| <input type="checkbox"/> Recommit<br>2313   |   |                                       |                                  |         |
| 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   | /   |                                       |                                  |         |
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| <b>TOTAL</b>  | <b>6</b>  | <b>1</b>                              |                                  |         |
| Recommendation:   |   |                                       |                                  |         |
| <input checked="" type="checkbox"/> Adopted   |   | <input type="checkbox"/> Not Adopted  |                                  |         |
| Chair's or Designee's Signature:  |   |                                       |                                  |         |
| <i>Clarence K. Nishihara</i>  |   |                                       |                                  |         |
| Distribution:   |   |                                       |                                  |         |
| Original<br>File with Committee Report  | Yellow<br>Clerk's Office  | Pink<br>Drafting Agency               | Goldenrod<br>Committee File Copy |         |

\*Only one measure per Record of Votes