

STAND. COM. REP. NO.

662

Honolulu, Hawaii

MAR 04 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 Judiciary, to which was referred S.B. No. 35, S.D. 1, 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, Imua Alliance, and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Association of REALTORS.

Your Committee finds that the most common complaint received by the Department of Commerce and Consumer Affairs' Office of 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.

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. 35, S.D. 1, and recommends that it pass Third Reading.

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.:* SB 35, SD 1	Committee Referral: CPN, JDC	Date: 2/23/21		
<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 checked="" type="checkbox"/> Pass, unamended <input type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit 2312 2311 2310 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	5	2	—	—
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