

STAND. COM. REP. NO. 1709

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 1376
H.D. 2
S.D. 2

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

Sir:

Your Committees on Ways and Means and Judiciary, to which was referred H.B. No. 1376, H.D. 2, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to amend the Landlord-Tenant Code to address the eviction moratorium implemented in response to the coronavirus disease 2019 (COVID-19) pandemic.

More specifically, this measure:

- (1) Extends from five days to fifteen days the required period for a notice of termination of a lease agreement for failure to pay rent;
- (2) Requires landlords to include certain content in the fifteen calendar-day notice;
- (3) Requires landlords to provide the fifteen calendar-day notice to mediation centers that offer free mediation for residential landlord-tenant disputes;



- (4) Delays the date by which a landlord may file a summary proceeding for possession if the tenant schedules or attempts to schedule mediation;
- (5) Establishes the required content of a summary possession complaint;
- (6) Authorizes the court to order a separate mediation under certain circumstances; and
- (7) Limits the circumstances in which a landlord may exercise certain remedies depending on the amount of rent due.

Your Committees received written comments in support of this measure from the Office of Consumer Protection of the Department of Commerce and Consumer Affairs, Hawaii Housing Finance and Development Corporation, Catholic Charities Hawaii, Hawaii Association of REALTORS, Legal Aid Society of Hawaii, and one individual.

Your Committees received written comments in opposition to this measure from one individual.

Your Committees received written comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that this measure will help landlords and tenants to reach a mutually beneficial resolution of rent arrearages and mitigate the number of evictions caused by the COVID-19 pandemic.

Your Committees have amended this measure by:

- (1) Inserting a provision to require courts, upon receipt of a written application, to expunge and seal records of eviction judgments for failure to pay rent that are entered against residential tenants during the one-year period following the expiration of the governor's final eviction moratorium;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and



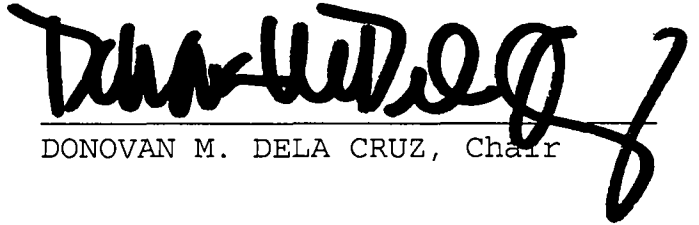
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1376, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1376, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Ways and Means
and Judiciary,



KARL RHOADS, Chair




DONOVAN M. DELA CRUZ, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 1376, HD 2, SD 1</i>	<i>CPN, WAM/JDC</i>	<i>4/6/21</i>		
<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
DELA CRUZ, Donovan M. (C)	<i>X</i>			
KEITH-AGARAN, Gilbert S.C. (VC)	<i>X</i>			
ENGLISH, J. Kalani				<i>X</i>
INOUYE, Lorraine R.	<i>X</i>			
KANUHA, Dru Mamo	<i>X</i>			
KIDANI, Michelle N.	<i>X</i>			
MORIWAKI, Sharon Y.				<i>X</i>
SHIMABUKURO, Maile S.L.				<i>X</i>
TANIGUCHI, Brian T.	<i>X</i>			
WAKAI, Glenn	<i>X</i>			
FEVELLA, Kurt	<i>X</i>			
TOTAL	<i>8</i>			<i>3</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

