

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii
Sir:

Your Committee on Judiciary, to which was referred H.B. No. 931, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit landlords from recovering possession of dwelling units from tenants if habitability of premises is significantly impaired;
- (2) Specify that a tenant's liability shall not exceed the fair rental value if habitability of premises is significantly impaired; and
- (3) Specify that the damages for a retaliatory eviction be equal to two months rent or free occupancy for two months.

The Department of Commerce and Consumer Affairs, Hawai'i State Commission on the Status of Women, Lawyers for Equal Justice, Hawaiian Community Assets, Chinatown Gateway Plaza Tenant Association, Parents And Children Together, and two individuals testified in support of this measure. The Hawai'i Association of REALTORS testified in opposition to this measure. The Department of the Attorney General and two individuals provided comments.

Your Committee has amended this measure by clarifying that:

- (1) The eviction ban is contingent upon the tenant continuing to pay fair-market rent; and
- (2) The landlord's ability to recover possession of the unit is restored upon:

- (A) Termination of the rental agreement in accordance with law or terms of the agreement; or
- (B) Restoration of the premises to a habitable condition,

whichever comes first.

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 H.B. No. 931, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 931, H.D. 2.

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

CHRIS LEE, Chair