

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

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 931 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, Hawaii Alliance for Progressive Action, PHOCUSED, and Parents And Children Together testified in support of this measure. The Hawai'i Association of REALTORS testified in opposition. The Department of the Attorney General provided comments.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to promote further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee notes that concerns were raised in testimony that the provisions within this measure would be challengeable under the Takings Clauses of the United States Constitution and the Constitution of the State of Hawai'i. Should your Committee on Judiciary consider this measure, your Committee respectfully requests that it examine these legal concerns raised in testimony.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 931, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 931, H.D. 1, and be referred to your Committee on Judiciary.

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

ROY M. TAKUMI, Chair