

STAND. COM. REP. NO. 1767

Honolulu, Hawaii

APR 02 , 2025

RE: S.B. No. 31  
S.D. 2  
H.D. 2

Honorable Nadine K. Nakamura  
Speaker, House of Representatives  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 31, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PROPERTY,"

begs leave to report as follows:

The purpose of this measure is to authorize a person who discovers a recorded discriminatory restrictive covenant on real property to take certain actions, without liability, to invalidate the covenant.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission. Your Committee received comments on this measure from the Uniform Law Commission.

Your Committee finds that discriminatory restrictive covenants, though unenforceable, remain in real estate records, reflecting historical injustices that conflict with Hawaii's commitment to equality. This measure provides a process for property owners to formally acknowledge and invalidate these covenants through recorded statements or notices, ensuring clarity in property records.

Your Committee has amended this measure by:

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- (1) Amending the statement or notice, which calls attention to the discriminatory restrictive covenant, to include the other classes protected by this measure;
- (2) Including as a basis for determining whether a restrictive covenant is a discriminatory restrictive covenant that the restrictive covenant violates the Equal Protection Clause under article I, section 5, of the Hawaii State Constitution; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 31, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 31, S.D. 2, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



State of Hawaii  
House of Representatives  
The Thirty-third Legislature

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Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 31 SD 2 HD 1		Committee Referral: HCG, JHA		Date: 03/20/2025	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.					
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)					
JHA Members	Ayes	Ayes (WR)	Nays	Excused	
1. TARNAS, David A. (C)	✓				
2. POEPOE, Mahina (VC)	✓				
3. BELATTI, Della Au	✓				
4. COCHRAN, Elle				✓	
5. HASHEM, Mark J.				✓	
6. KAHALOA, Kirstin	✓				
7. PERRUSO, Amy A.	✓				
8. TAKAYAMA, Gregg	✓				
9. TODD, Chris	✓				
10. GARCIA, Diamond			✓		
11. SHIMIZU, Garner M.	✓				
TOTAL (11)	8	0	1	2	
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: _____					
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO					