



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Tuesday, February 11, 2025 at 2:00 p.m.
State Capitol, House Conference Room 325

By

Judge Jeffrey P. Crabtree (ret.)

Director, Center for Alternative Dispute Resolution

Bill No. and Title: House Bill No. 1433, H.D. 1, Relating to Eviction Mediation.

Purpose: Beginning 2/5/2026, extends the period for a notice of termination of a rental agreement; requires landlords to engage in mediation and delay filing an action for summary possession if a tenant schedules or attempts to schedule mediation; and requires landlords to provide specific information in the 10-calendar-day notice to tenants. (HD1)

Judiciary's Position:

The Judiciary SUPPORTS this measure. When the COVID-19 pandemic began, thousands of evictions were predicted to overwhelm the court system. However, enacting and implementing Act 57, Session Laws of Hawai‘i 2021, helped prevent this crisis. Act 57 modified the notice requirements for residential summary possession cases, mandated pre-filing mediation, and made funding available for pre-filing mediation services and rent relief. As a result, 85 percent of the 1,660 cases mediated statewide under Act 57 settled without litigation. In the First Circuit, 85 percent of these settlements allowed tenants to remain in their homes, demonstrating the effectiveness of combining pre-filing mediation with rent relief to prevent evictions. Please refer to the Judiciary’s testimony of HB1439 (2023).

This success also occurred on a national scale, as shown by the National Center for State Courts (NCSC) Eviction Diversion Initiative. Launched in early 2021, the initiative has expanded to 24 state and local courts across 17 states, with the courts offering eviction diversion



House Bill No. 1433, H.D. 1, Relating to Eviction Mediation
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Tuesday, February 11, 2025
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programs that include, among other services, pre-eviction mediation and assistance with applying for rental relief. Across these courts, 53 percent of tenants stayed in their homes when mediation or financial assistance was secured. In Clatsop County Circuit Court (Oregon), every mediated eviction case resulted in no eviction judgment. In Allen County Superior Court (Indiana), only 6 percent of filed summary possession cases proceeded to trial. In the Las Vegas Justice Court, social workers helped tenants apply for more than \$2 million in rental assistance, leading to the dismissal or denial of 78.5 percent of eviction cases.

To address an issue raised by House Committee on Consumer Protection & Commerce Chair Scot Matayoshi regarding a timeline for mediation to be completed, the Judiciary suggests the bill's language be amended throughout to reflect that mediation shall be conducted within 30 days from the date that the Notice was provided to the tenant.

This amendment is based on the timeline set forth by the Maui Wildfire Pre-Eviction Mediation Program, which was established by the Legislature through Act 202, SLH 2024.

The Judiciary respectfully requests that any appropriations for this bill not supplant the Judiciary's existing funding and current budget requests.

Thank you for the opportunity to testify on this measure.

Committee on Judiciary & Hawaiian Affairs
Hearing Date: Tuesday, February 11, 2025

Submitted by The Mediation Center of the Pacific, Inc.
HB 1433, HD1 - Relating to Eviction Mediation

Dear Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

The Mediation Center of the Pacific is submitting testimony in STRONG SUPPORT of HB 1433, HD1, which establishes and funds a pre-litigation mediation pilot program.

Evictions are harmful for everyone involved. Landlords and tenants both want stability in housing arrangements. For landlords, the process of eviction and finding new tenants is costly. For tenants and their families, the costs are even higher: A forced move may mean the loss of their security deposit and belongings, a change in schools, a longer commute to work, and a negative mark on their rental history that can make finding suitable housing more difficult. For some tenants, eviction will result in homelessness.

Finding ways to resolve disputes between landlords and tenants and to increase housing stability benefits everyone. A pre-litigation mediation program supported by HB 1433, HD1 will increase housing stability by encouraging tenants and landlords to work out agreements early, enabling the tenants to remain housed and providing the landlords with their rental income.

Pre-litigation mediation programs for landlords and tenants have a proven track record of success in Hawaii. In 2021, in response to the ending of the moratorium on evictions and the creation of Act 57, Hawai'i established a statewide early landlord-tenant mediation program to prevent evictions. Through the Program, in a one-year period, 1,660 landlord-tenant cases involving past due rent were mediated, with 1,415 or 85% reaching agreement and enabling more than 1,140 tenants to remain in their residence. Like the Act 57 Program, HB 1433, HD1 will encourage landlords and tenants to start talking and negotiating agreements before going to court and will build a bridge towards creating a permanent early mediation program in the future.

While pairing early mediation with rental assistance is valuable as demonstrated by the Act 57 program, even when early mediation is not paired with rental assistance, mediating prior to filing an eviction process increases the likelihood of tenant and landlord reaching an agreement. Over the past two years, The Mediation Center of the Pacific mediated 96 early eviction cases, 86 or 90% of which resulted in final agreements between landlord and tenant when no rental assistance was available.

With Hawaii's high cost of living, the number of evictions remains high. Tenants fall behind and are too overwhelmed or ashamed to approach their landlord about the situation. When the amount of past due rent grows, landlords rely on the eviction process to remove the tenant and start over. A pre-litigation mediation program is needed to

encourage tenants and landlords to talk early, before the tenant is so far behind, and a payment plan isn't feasible. Through mediation, tenants and landlords can agree on payment plans that keep tenants in their residences or alternately, reach agreements that provide tenants with sufficient time to find an alternate location they can afford.

Evictions create large public costs. According to estimates provided by the "Eviction Cost Calculator", developed by Innovation for Justice, a social justice-focused legal innovation lab housed at both Arizona Law and University of Utah School of Business, Hawai'i's estimated 2,500 annual evictions led to over \$30 million in public costs. These costs result from the increased need for emergency shelters, in-patient care emergency rooms at hospitals, and foster care and juvenile detention. Establishing a pre-litigation landlord-tenant mediation program is a necessary step to reduce the social and financial harm caused by evictions and help create housing stability for all.

Please PASS HB 1433, HD1, to help prevent evictions and keep our island residents housed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tracey S. Wiltgen', with a small dot at the end.

Tracey S. Wiltgen Executive Director
The Mediation Center of the Pacific, Inc.



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Testimony to the House Committee on Judiciary & Hawaiian Affairs
Tuesday, February 11, 2025, 2:00 p.m.
Conference Room 325 & Videoconference

RE: Support of HB 1433, HD1, Relating to Eviction Mediation

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

As a local non-profit organization, **Ku'ikahi Mediation is submitting testimony to strongly support HB 1433, HD1, which establishes and funds a pre-litigation mediation pilot program.** This bill promotes housing stability, prevents homelessness, and provides valuable resources to help both landlords and tenants avoid the high costs of eviction and maintain stable tenancies.

Because of the COVID pandemic, Hawai'i established a temporary Emergency Rental Assistance Program (ERAP) and a one-year Act 57 Landlord Tenant Eviction Mediation Program to slow the spread of COVID and prevent a "tsunami" of evictions. Combined, these two programs successfully kept tens of thousands of families across the state stably housed during the pandemic.

According to recent research by Hawai'i Appleseed Center for Law and Economic Justice, an estimated 2,500 evictions are filed each year across the state. Evictions are harmful to our housing ecosystem and the landlords who rely on rent payments and consistent tenants. Evictions are especially harmful to the individual or family losing their home and can lead to homelessness. The cost of eviction on individuals and households includes, but is not limited to: interrupted employment and schooling leading to a loss of wages; negative health impacts, such as anxiety and depression; and impaired legal records and credit histories which make it harder to find future housing.

According to estimates provided by the "Eviction Cost Calculator," developed by Innovation for Justice, a social justice-focused legal innovation lab housed at both Arizona Law and University of Utah School of Business, Hawai'i's estimated 2,500 annual evictions led to over \$30 million in public costs. These costs result from the increased need for emergency shelters, in-patient care emergency room at hospitals, and foster care and juvenile detention. According to research by Hawai'i Appleseed Center, for every tax dollar spent on rental assistance and landlord/tenant mediation programs, the public saves six dollars on homeless services.

In the County of Hawai'i, Ku'ikahi Mediation Center (KMC) and West Hawai'i Mediation (WHMC), worked jointly on the Act 57 Statewide Landlord Tenant Eviction



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Mediation Program during the period of August 7, 2021 to August 6, 2022. The legislature's passage of Act 57 was crucial to this program's success.

Of the 285 Act 57 landlord/tenant cases received via 15-day eviction notices by KMC and WHMC, 53% mediated. Of the cases that mediated, 79% were resolved and 21% were not resolved. Of the cases that did not mediate, 72% conciliated or settled prior to mediation (largely due to the receipt of rental assistance), 22% had tenants chose not to mediate, and 6% were closed for other reasons (e.g., unable to reach tenant). Thus, 76% of all 285 Act 57 landlord/tenant cases were successfully resolved, either through mediated agreements or conciliations and settlements prior to mediation.

Establishing a new statewide landlord/tenant mediation program is crucial step to reduce the social and financial harm caused by evictions, especially critical as our state (and nation) are facing an affordable housing crisis.

We strongly urge you to pass this legislation. Thank you for reading this testimony.

Mahalo,

Julie Mitchell
Executive Director

a partner agency of the



Ku'ikahi Mediation Center is a 501(c)(3) nonprofit organization, donations to which are tax-deductible. We welcome your support!



February 11, 2025

The Honorable David A. Tarnas, Chair

House Committee on Judiciary & Hawaiian Affairs
State Capitol, Conference Room 329 & Videoconference

RE: House Bill 1433, HD1, Relating to Eviction Mediation

HEARING: Tuesday, February 11, 2025, at 2:00 p.m.

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR provides **comments** on House Bill 1433, HD1, which beginning 2/5/2026, extends the period for a notice of termination of a rental agreement; requires landlords to engage in mediation and delay filing an action for summary possession if a tenant schedules or attempts to schedule mediation; and requires landlords to provide specific information in the 10-calendar-day notice to tenants. Repeals 2/4/2027. Appropriates moneys.

We appreciate the intent of this measure and support peaceful and expeditious mediation coupled with rent relief to aid struggling tenants. During the COVID-19 pandemic when there was an eviction moratorium, Act 57 was passed to create a mediation process for housing providers and tenants to engage in. A large part of the success of the program was that emergency rent relief was available and it was often paid directly to the housing provider. This helped both tenants struggling to make their rent payments as well as housing providers who may have mortgage payments.

Without emergency rent relief, the mediation process alone may not help these tenants who are struggling to pay rent.

We are also concerned that the proposed measure extends the notice period for unpaid rent from 5 business days to 10 calendar days. Additionally, there is no specific timeframe for completing the mediation. As such, HAR has concerns that this could lead to added delays. Extending the notice period without setting a timeframe for the mediation process to be completed could further prolong the process. HAR believes that mediation can happen concurrently with initiating an action for summary possession. Ideally, tenants should reach out to their housing provider or mediation service providers prior to missing their rental payments.

Mahalo for the opportunity to provide testimony on this measure.

HB-1433-HD-1

Submitted on: 2/10/2025 5:10:56 PM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emma L Ladendecker JD	Kauai Economic Opportunity Incorporated	Support	Written Testimony Only

Comments:

I am the Mediation Director of the Kauai Economic Opportunity Incorporated's program here on Kauai County. My name is Emma Ladendecker, J.D. I have been a volunteer mediator since 2019 and the Director since 2023 to current. From experience, MEDIATION WORKS! Any opportunity that gives parties room for constructive conversation before any court filings and trials, is ALWAYS good for the parties involved.

In this specific situation of landlord/tenant relationship in Hawai'i, EARLY MEDIATION is beneficial because it encourages the tenants to find a solution early and discourages the matter becoming too emotional and/or possibly retaliatory. Mediators can keep the conversations constructive and on point. It is especially important here in Hawai'i where rents are high and lack of sufficient rental housing. Furthermore, this is the aloha way.



LEGAL AID
SOCIETY OF HAWAI'I

Telephone: (808) 536-4302 • Fax: (808) 527-8088
924 Bethel Street • Honolulu, Hawaii 96813

February 11, 2025

Committee on Judiciary & Hawaiian Affairs
Honorable Chair David A. Tarnas
Honorable Vice Chair Mahina Poepoe

Re: H.B. 1433- Relating to Eviction Mediation

Legal Aid offers this testimony in support of 1433, with comments.

The Legal Aid Society of Hawai'i ("Legal Aid") is a public interest, non-profit law firm dedicated to achieving fairness and justice through legal advocacy, outreach, and education for those in need. For 75 years, Legal Aid's vision has been "Building a Just Society" for the people of Hawai'i. During the pandemic, Legal Aid played a crucial role by participating in mediation and advocating for the rights and needs of Hawai'i's residential tenants. We continue to represent tenants who are facing eviction, which puts them in danger of being houseless. Many of our clients have families with children, are elderly, or have disabilities that make it difficult to move quickly if they fail to "pay the bills".

This bill establishes pre-litigation mediation in landlord-tenant matters, along with other protections. From our experience, mediation is an essential component in the eviction process for the communities we serve. It forces landlords and their attorneys to the negotiation table and plays a huge part in finding the middle ground between tenants and landlords where both sides benefit. Landlords get the rent to pay their mortgage, costs to upkeep the property, and other expenses. Tenants and their families remain housed.

This bill also extends the nonpayment notice from a 5-day notice to a 10-day notice. Increasing the required notice period is clearly needed by those who are subject to eviction. For many, however, even 10 days is often not enough time for tenants to find the proper resources to remedy their back-rent issue. During the pandemic, the nonpayment notice was a 15-day threshold. This allowed tenants to get in touch with the Mediation Center on their island, but more importantly, sign up for rental assistance. Rent relief is currently very limited and often unavailable, necessitating more time for tenants to locate assistance with curing a default. Currently, public housing projects across the nation give a 30-day notice to their tenants, before they can proceed with an eviction. This allows time for tenants who lack resources to contact the appropriate organizations that can help resolve their legal issues.

The Bill can also be clarified to reference the existing statutory cap on attorney's fees, which is currently at twenty-five percent. Section H of the Bill allows landlords to seek reimbursement of all costs, including attorney's fees incurred during mediation. For clarity to those subject to eviction proceedings, a reference to the cap attorney fees at twenty-five (25) percent of unpaid rent in accordance with Hawai'i Revised Statute ("H.R.S.") § 521-35 would help to avoid confusion and litigation over this provision and will protect those who defaulted in these proceedings due to good cause from being unnecessarily punished.

Thank you for the opportunity to testify on this bill.

Mahalo,

David Kopper
Executive Director
Legal Aid Society of Hawai'i

HB-1433-HD-1

Submitted on: 2/7/2025 3:13:17 PM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Giuseppe Leone	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

As a volunteer mediator for the Mediation Center of the Pacific since 1997, I've mediated hundreds of court-mandated residential landlord/tenant cases and observed the following.

Most landlords and tenants have a natural sense of fairness and, living of Hawaii, fully understand the connection between eviction and homelessness.

In my experience, many landlord/tenant disputes can be resolved quickly - often in under 90 minutes - when a neutral mediator helps both parties communicate calmly, clearly and respectfully.

In mediation, time is critical. The sooner landlords and tenants meet with a neutral mediator, the easier they can reach a mutually acceptable agreement that resolves their dispute and leaves both parties feeling positive and good about themselves.

For these reasons, I strongly support HB 1433, HD1, which establishes and funds a pre-litigation mediation pilot program.

HB-1433-HD-1

Submitted on: 2/7/2025 4:57:20 PM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert A Marks	Individual	Support	Written Testimony Only

Comments:

Chair and members - this bill is an important measure to assure fairness for landlords and tenants in eviction disputes. Please pass this measure.

respectfully submitted,

Robert Marks

Terri O'Connell

2118 Halakau St., Honolulu, HI 96821
(808) 628-8943
terri@oconnell808.com

February 7, 2025

To: Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs

From: Terri O'Connell

Date/Location: February 11, 2025; 2:00pm / Conference Room 325 & Videoconference

Re: TESTIMONY IN FAVOR OF HB1433 HD1 - Relating to Eviction Mediation

As an attorney in Hawaii, I have performed pro bono work and have spoken with both tenants and landlords in the past regarding evictions. I found that evictions are difficult for everyone involved. Neither side "wins" when a landlord must go through the eviction process and then find a new tenant. And the tenant, when forced to move, may experience a loss of a security deposit, belongings, a longer commute to work, and an inability to find housing such that the tenant may become homeless. These create significant societal costs.

As a Board Member of The Mediation Center of the Pacific, I was so pleased to learn that in 2021, Hawai'i established a statewide early landlord-tenant mediation program to prevent evictions (through Act 57). In a one-year period, through that program, 1,660 landlord-tenant cases involving past due rent were mediated, with 1,415 (or 85%!) reaching agreement and enabling more than 1,140 tenants to remain in their residence. More recently, over the past two years, The Mediation Center of the Pacific mediated 96 early eviction cases. Final agreements were reached in 86 cases (90% of cases!) between landlord and tenant when no rental assistance was available. These are incredible and demonstrable success rates and a win for both landlords and tenants.

Please PASS HB1433 HD1, to help prevent evictions and keep residents housed.

Sincerely,



Terri O'Connell, Esq.
Board Member, The Mediation Center of the Pacific, Inc.

HB-1433-HD-1

Submitted on: 2/7/2025 9:08:34 PM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keith Webster	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice-Chair Poepoe and Members of the Committee:

I'm writing to encourage your support for HB1433 HD1. With our current housing crisis we need to do everything we can to keep our people housed. Evictions are traumatic and make finding alternative housing extremely difficult. Evictions are often very expensive for the landlord. Mediation is not a pancea but it is shown to be effective in reducing evictions and saving time in our courts. I'm a fairly new volunteer mediator but in the months I've been involved with this I've witnessed mediation have a very positive outcome for a good number of landlords and tenants. Mediation is a very cost-effective alternative to litigation for many situations.

Please pass HB1433 HD1 and support our island residents.

Keith Webster, Kaneohe HI

HB-1433-HD-1

Submitted on: 2/8/2025 10:17:04 AM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mimi Beams	Individual	Support	Written Testimony Only

Comments:

Please PASS HB 1433, HD1, to help prevent evictions and keep our island residents housed. I am a voluteer mediator with the Mediation Center of the Pacific. It is a pleasure to mediate these landlord tenant issues and see the difference it makes for both the landlord and the tenant. We solve problems and help all parties move forward.

thank you,

Mimi

Committee on Judiciary & Hawaiian Affairs

Hearing Date: Tuesday, February 11, 2025

Submitted by Poranee Sponsel

HB 1433, HD1 - Relating to Eviction Mediation

Dear Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

As a volunteer mediator for the Mediation Center of the Pacific, I am submitting testimony in STRONG SUPPORT of HB 1433, HD1, which establishes and funds a pre-litigation mediation pilot program.

When tenants come in for a court referred mediation before being evicted by the landlords, I could sense the anxiety and fear of being homeless. Using mediation skills trained by the Mediation Center of the Pacific I was able to help both parties to find common ground beneficial to both of them, the landlords would be able to recover back rent paid through an installment payment plan and the tenants would be able to still have the place to stay and avoid being homeless. It was a happy ending for 8 of 10 cases I mediated.

It has been known that evictions are harmful for everyone involved. Landlords and tenants both want stability in housing arrangements. For landlords, the process of eviction and finding new tenants is costly. For tenants and their families, the costs are even higher: A forced move may mean the loss of their security deposit and belongings, a change in schools, a longer commute to work, and a negative mark on their rental history that can make finding suitable housing more difficult. For some tenants, eviction will result in homelessness.

Finding ways to resolve disputes between landlords and tenants and to increase housing stability benefits everyone. A pre-litigation mediation program supported by HB 1433, HD1 will increase housing stability by encouraging tenants and landlords to work out agreements early, enabling the tenants to remain housed and providing the landlords with their rental income.

Pre-litigation mediation programs for landlords and tenants have a proven track record of success in Hawaii. In 2021, in response to the ending of the moratorium on evictions and the creation of Act 57, Hawai'i established a statewide early landlord-tenant mediation program to prevent evictions. Through the Program, in a one-year period, 1,660 landlord-tenant cases involving past due rent were mediated, with 1,415 or 85% reaching agreement and enabling more than 1,140 tenants to remain in their residence. Like the Act 57 Program, HB 1433, HD1 will encourage landlords and tenants to start talking and negotiating agreements before going to court and will build a bridge towards creating a permanent early mediation program in the future.

While pairing early mediation with rental assistance is valuable as demonstrated by the Act 57 program, even when early mediation is not paired with rental assistance, mediating prior to filing an eviction process increases the likelihood of tenant and landlord reaching an agreement. Over the past two years, The Mediation Center of the Pacific mediated 96 early eviction cases, 86 or 90% of which resulted in final agreements between landlord and tenant when no rental assistance was available.

With Hawaii's high cost of living, the number of evictions remains high. Tenants fall behind and are too overwhelmed or ashamed to approach their landlord about the situation. When the amount of past due rent grows, landlords rely on the eviction process to remove the tenant and start over. A pre-litigation mediation program is needed to encourage tenants and landlords to talk early, before the tenant is so far behind, and a payment plan isn't feasible. Through mediation, tenants and landlords

can agree on payment plans that keep tenants in their residences or alternately, reach agreements that provide tenants with sufficient time to find an alternate location they can afford. Evictions create large public costs. According to estimates provided by the "Eviction Cost Calculator", developed by Innovation for Justice, a social justice-focused legal innovation lab housed at both Arizona Law and University of Utah School of Business, Hawai'i's estimated 2,500 annual evictions led to over \$30 million in public costs. These costs result from the increased need for emergency shelters, in-patient care emergency rooms at hospitals, and foster care and juvenile detention. Establishing a pre-litigation landlord-tenant mediation program is a necessary step to reduce the social and financial harm caused by evictions and help create housing stability for all.

Kindly PASS HB 1433, HD1, to help prevent evictions and keep our island residents housed.

Sincerely,

Poranee Sponsel

Honorable members of the Senate, I'm here today to share my concerns about the unfair practices employed by the Hawaii Public Housing Authority (HPHA) in their eviction proceedings. These practices disproportionately affect vulnerable populations, including patients, the elderly, Native Hawaiians (Beneficiaries), domestic violence victims, and low-income individuals receiving federal funds.

HPHA's actions are deemed unlawful under Hawaii's discrimination laws, including:

- *Hawaii Fair Housing Law (HRS Chapter 515)*: Prohibits discrimination in housing based on race, color, religion, sex, gender identity, sexual orientation, disability, familial status, and national origin ¹.
- *Americans with Disabilities Act (ADA)*: Protects individuals with disabilities from discrimination in housing and other areas.
- *Section 504 of the Rehabilitation Act*: Prohibits discrimination against individuals with disabilities in programs or activities that receive federal financial assistance.

These laws are in place to protect tenants from unfair treatment, yet HPHA's actions suggest a pattern of *unjust enrichment, fraud, and willful blindness*. For instance, HPHA management has been known to enter units without proper notice, take photos and videos of private belongings, and provide vague notices that don't comply with Hawaii's laws ¹.

The eviction process in Hawaii is clearly defined, requiring landlords to provide proper notice and obtain a court order when necessary ². However, HPHA's eviction proceedings often target low-income individuals who struggle to find affordable housing, and by initiating eviction proceedings, HPHA aims to cover up their own wrongdoing.

Given the biased nature of HPHA's eviction board, which has allowed false witnesses and ignored evidence of fraud and extortion, it's crucial to allow *mediation outside of HPHA*. This would provide a fair and impartial platform for resolving disputes, especially for low-income individuals, people with disabilities, and those who may not have the resources to navigate the court system.

In conclusion, I urge the Senators to consider the plight of vulnerable populations affected by HPHA's unfair practices. Allowing mediation prior to court litigation is essential to ensuring that these individuals receive fair treatment and are protected from discrimination and biased Board members.

HB-1433-HD-1

Submitted on: 2/10/2025 11:57:03 AM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Judi Bell	Individual	Support	Written Testimony Only

Comments:

Committee on Judiciary & Hawaiian Affairs

Hearing Date: Tuesday, February 11, 2025

Submitted by Judi Bell, Mediator.

HB 1433, HD1 - Relating to Eviction Mediation

Dear Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

Judi Bell is submitting testimony in **STRONG SUPPORT** of HB 1433, HD1, which establishes and funds a pre-litigation mediation pilot program.

As a professional mediator who was hired for the ACT 57 mediation program, has volunteered for landlord tenant mediation after the eviction has been filed, and now does the Early Eviction Mediations, I am in **STRONG SUPPORT** of HB 1433 which established and funds a pre-litigation mediation pilot program.

Mediating before parties get to court is a crucial distinction in the landlord tenant mediations. So much of mediating is the human-interest story of the situation. When people have the opportunity to mediate without the fear of court hanging over their heads, they are able to think more clearly which helps them make more rational decisions. When people make rational decisions *for themselves*, they are better able to move forward with the next steps. Whether that be to remain in the residence or to vacate it, they know they were in control and are able to say, “I made that choice”, and rather than feel like (or become) a victim, they have the opportunity to retain dignity and self-respect – something that is desperately lacking in the current eviction process.

One of the best things this bill can do for Hawaii is to give its people a voice! A voice of self-determination, confidence in their future, and a knowledge that they have control in a seemingly out-of-control situation.

Please **PASS** HB 1433, HD1, to help prevent evictions and keep Hawaii residents housed.

Sincerely,

Judi Bell,

Mediator

Committee on Judiciary & Hawaiian Affairs

Hearing Date: Tuesday, February 11, 2025

HB 1433, HD1 - Relating to Eviction Mediation

Dear Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

Please accept my testimony in support of HB 1433 HD1, which establishes and funds a pre-litigation mediation pilot program

I serve as a mediator helping to resolve disputes, including many landlord-tenant disputes, in Hawaii. Evictions and other housing disputes can be disruptive and burdensome for everyone involved, including courts, housing providers and tenants. Creating opportunities to resolve these disputes before they escalate into costly evictions or protracted litigation would increase housing and economic stability and save everyone time, stress and money. Mediation provides a structured, neutral forum in which parties can negotiate mutually beneficial solutions to help maintain housing security and financial viability, and both housing providers and tenants in my mediations have expressed immense relief in being given the opportunity to communicate securely and determine a path forward that works for both sides.

If enacted, HB 1433 would create a practical, cost-effective alternative to litigation, increasing housing stability by enabling more tenants to remain housed and providing housing providers with needed rental income. I urge the Committee to support HB 1433 and help ensure that landlords and tenants have access to an effective pre-litigation dispute resolution process that would alleviate the burdens of many housing disputes. Thank you for your time and consideration.

Sincerely,
Johanna Bracy

Bryant Galindo

Mediator

Committee on Judiciary & Hawaiian Affairs

Hearing Date: Tuesday, February, 11, 2025

February 10, 2025

RE: Testimony in Strong Support of HB 1433, HD1 – Relating to Eviction Mediation

Dear Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

I am writing in **strong support** of HB 1433, HD1 which seeks to establish and fund a pre-litigation mediation pilot program for landlord-tenant disputes. As a mediator who has worked closely with The Mediation Center of the Pacific to assist landlords and tenants in resolving disputes, I have witnessed firsthand the positive impact that early mediation can have in preventing evictions and maintaining housing stability.

Evictions are costly and disruptive for all parties involved. For landlords, eviction proceedings can mean lost rental income, legal fees, and extended vacancies. For tenants, eviction can result in severe financial hardship, housing instability, and even homelessness. A forced move often leads to loss of security deposits, relocation challenges, and a negative rental history that makes securing future housing difficult.

A **pre-litigation mediation program**, as proposed by HB 1433, HD1, provides an opportunity for tenants and landlords to address disputes before reaching the courtroom. Mediation encourages open communication, allowing tenants to work out feasible payment plans while ensuring landlords receive their owed rent. Programs like this have a proven track record of success in Hawai'i. During the implementation of Act 57 in 2021, early mediation prevented evictions in 85% of cases, keeping over 1,140 tenants in their homes. I was one of the mediators that was hired to mediate the Landlord-Tenant complaints during Act 57. Even in cases where no rental assistance was available, early mediation led to successful agreements in 90% of cases handled by The Mediation Center of the Pacific – and I saw the firsthand, positive results that these agreements had on everyday Hawaiians.

Hawai'i's high cost of living and the continued financial strain on residents mean that eviction rates remain high. Many tenants fall behind on rent and are too overwhelmed to communicate with their landlords, leading to legal action as a last resort. By offering mediation before eviction filings occur, HB 1433, HD1 would facilitate productive negotiations between landlords and tenants, reducing the likelihood of displacement and stabilizing communities.

Furthermore, evictions place a substantial financial burden on the state. According to the "Eviction Cost Calculator" developed by Innovation for Justice, Hawai'i's estimated 2,500 annual evictions generate over \$30 million in public costs due to increased reliance on emergency shelters, medical care, and social services. Establishing a pre-litigation mediation

Bryant Galindo

Mediator

program is a cost-effective, proactive measure that benefits landlords, tenants, and the broader community.

I urge you to **PASS HB 1433, HD1** to support housing stability, reduce unnecessary evictions, and foster a more resilient rental market. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryant Galindo", written in a cursive style.

Bryant Galindo
Mediator



GORDON M. ARAKAKI

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February 10, 2025

Hearing Date: Tuesday, February 11, 2025

Time: 2:00 PM

Place: Conference Room 325

The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Re: Testimony in Strong Support of HB 1433, HD1 – Relating to Eviction Mediation
(Written Testimony Only)

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary & Hawaiian Affairs:

I am Gordon M. Arakaki, testifying as an individual¹ in ***strong support*** of HB 1433, HD1, which would establish and fund a pre-litigation mediation pilot program.

Helping landlords and tenants resolve their disputes and increasing housing stability benefits everyone. The pre-litigation mediation pilot program proposed by HB 1433, HD1 will increase housing stability by encouraging tenants and landlords to work out agreements early, enabling tenants to remain housed and providing landlords with their rental income.

As noted in HB 1433, HD1 [at page 1, lines 7-16, describing the results of Act 57 (SLH 2021) (“Act 57”)] as well as The Mediation Center of the Pacific, pre-litigation mediation programs for landlords and tenants have a proven track record of success in Hawaii. The amendments to Hawaii’s Landlord-Tenant Code made by Act 57 have expired, so HB 1433, HD1 seeks to recodify and implement the most effective provisions of Act 57. These provisions include:

- (1) Extending the notice of termination of rental agreement period from five to ten days;
- (2) Requiring all housing providers and tenants to participate in early mediation and prohibiting eviction actions if the tenant schedules or attempts to schedule a mediation;

¹ As of August 2024, I am also a board member of The Mediation Center of the Pacific. However, I submit this testimony as an individual.

- (3) Making each party responsible for its own attorney's fees and costs for pre-litigation mediation while allowing landlords to recover such fees and costs if a tenant defaults on a mediated agreement; and
- (4) Requiring landlords to provide detailed specific information to tenants (including, among many other things, contact information, the amount of rent due, and a statutorily prescribed warning) in the ten-day notice of termination period, as well as providing such information to a mediation center that offers free mediation for residential landlord-tenant disputes.

HB 1433, HD1 also provides funding for the pre-litigation mediation pilot program.

Thank you for your time and consideration of my testimony in *strong support* of HB 1433, HD1. I respectfully urge you to pass this bill.

Sincerely,

Gordon M. Arakaki

February 10, 2025

Committee on Judiciary & Hawaiian Affairs

Hearing Date: Tuesday, February 11, 2025

Submitted by Kay Lorraine-Bate

HB 1433, HD1 - Relating to Eviction Mediation

Dear Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

I am a pro bono mediator at the Mediation Center of the Pacific. I have mediated a number of eviction cases and, believe me, there are no winners in evictions. Everyone concerned suffers when someone is evicted. This is particularly true of families, some of whom will end up living on the street or in their cars. I am particularly concerned for the welfare of the children, who are not only traumatized at losing their home but are often taken out of school. It is not only a hardship on the individual families, but also on the social fabric of our society.

It's no picnic for the landlords either. The process is expensive, time consuming, and they often have to not only find a new tenant, but have to paint and clean, etc. Evictions also create public costs. It is truly a lose/lose proposition. You can change that.

I am proud of the fact that the eviction cases that we mediate and the MCP have something like an 85% success rating. Frankly, although landlord/tenant cases are not my specialty, the ones I have mediated have had 100% success. We work out a payment plan plans that keep tenants in their residences or alternately, reach agreements that provide tenants with sufficient time to find an alternate location they can afford.

The earlier mediation is involved, the more likely there is to be a successful resolution that works for all concerned. Establishing a pre-litigation landlord/tenant mediation program is a no-brainer. It is a responsible step necessary to reducing the social and financial harm caused by evictions and it helps create housing stability for all.

My grandpa used to say, "An ounce of prevention is worth a pound of cure."

Please vote yes on HB 1433, HD1. It's the responsible thing to do.

Warmest aloha,

Kay Lorraine-Bate

Juris Doctorate in Law

Legal Masters in Dispute Resolution

Masters in Child and Family Therapy