



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

---

**ON THE FOLLOWING MEASURE:**

H.B. NO. 463, H.D. 2, RELATING TO EVICTION RECORDS.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**DATE:** Wednesday, February 19, 2025      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Alyssa-Marie Y.H. Kau, Deputy Attorney General

---

Chair Tarnas and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill requires the Judiciary to make a good faith and diligent effort to seal all court records of any eviction proceeding within a reasonable time if certain conditions are met. It also authorizes a court to seal certain eviction records upon motion by a tenant who can demonstrate that certain conditions apply. Additionally, the bill makes it a discriminatory practice to require a person to disclose a sealed eviction record as a condition of certain real property transactions and further prohibits discrimination in real property transactions against a person with a sealed eviction record.

Part II of this bill may face legal challenge under the First Amendment of the United States Constitution. Subsection (b) of the proposed new section of chapter 666, Hawaii Revised Statutes (HRS), mandates the Judiciary to seal all court records of eviction proceedings that do not result in a judgment for possession in favor of the landlord. A court may find such a blanket sealing requirement unconstitutional.

The Ninth Circuit Court of Appeals recently ruled that the public has a right to inspect certain court records under the First Amendment. See *Civ. Beat L. Ctr. for the Pub. Int., Inc. v. Maile*, 112 F.4th 1200 (9th Cir. 2024). Under a previous version of rule 9.1(a) of the Hawai'i Court Records Rules (HCRR), all parties filing documents containing personal information (as defined in rule 2.19 HCRR), in any state court proceedings were required to file the documents under seal or be subject to sanctions

(pursuant to rule 9.5 HCRR), even if the records did not contain private information or even if the litigant wished to make their private information public. The definition of "personal information" Rule 2.19 (a) included "medical and health records." *Id.* at 1205.

The Ninth Circuit Court of Appeals recognized that the First Amendment right of access reaches civil judicial proceedings and records. *Id.* at 1208 (citations omitted). The Ninth Circuit Court also concluded that the inclusion of "medical and health records" in the definition of "personal information" in rule 2.19 renders the sealing requirement of rule 9.1 unconstitutionally overbroad. *Id.* at 1212. The court reasoned that "[b]ecause the privacy interest implicated by a particular medical or health record can be protected just as well by a case-by-case determination of whether closure is truly necessary to protect the asserted interest, mandatory sealing is not the least restrictive means to protect that interest." *Id.* at 1211.

Following the analysis in *Civ. Beat L. Ctr. for the Pub. Int., Inc. v. Maile*, we conclude that requiring the Judiciary to impose a blanket sealing of all court records relating to eviction proceedings may interfere with a presumptive public right of access, in violation of the First Amendment. While protecting a tenant's constitutional and statutory right to privacy is a compelling interest that may justify sealing a particular eviction record, a tenant's privacy interest implicated by a particular record may vary. *See Id.* at 1210. A general interest in protecting the privacy of tenants without a determination by a court whether a tenant's privacy is implicated and whether there are alternatives to closure may run afoul of the First Amendment and will likely not justify the categorical, mandatory sealing of eviction records. Rather, selective redaction could protect access to the information that a tenant seeks to seal.

To balance a tenant's asserted privacy interest with the presumptive right under the First Amendment to access court records, state courts are in the best position to evaluate whether the records at issue must be sealed. State courts could undertake a case-by-case determination of motions to seal or redact records pertaining to eviction proceedings. To address potential constitutional concerns, we recommend amending the first sentence of the proposed section 666 (a) (section 2, page 3, lines 7-12) as follows:

(a) ~~[The]~~ Upon a motion to seal and a finding of good cause, the  
court shall make a good faith and diligent effort to seal within a reasonable  
time all court records of any legal proceeding brought by a landlord to  
evict a residential tenant, whether by a summary possession proceeding  
or an action in the nature of an action of ejectment or otherwise if: . . . .

Further, because the right to access court records is afforded to all members of  
the public, we recommend further amendments to the proposed section 666 (c)  
(section 2, page 5, lines 6-8) as follows:

(c) Upon written request, the clerk of the court shall provide access  
to a record sealed under this section to the ~~[residential tenant.]~~ requester.

Thank you for the opportunity to provide comments.



## *The Judiciary, State of Hawai'i*

### Testimony to the Thirty-Third State Legislature, 2025 Session

#### House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair  
Representative Mahina Poepoe, Vice Chair

Wednesday, February 19, 2025, 2:00 p.m.  
Conference Room 325

By:

Michelle D. Acosta  
Deputy Chief Court Administrator  
District Court of the First Circuit

#### **WRITTEN TESTIMONY ONLY**

---

**Bill No. and Title:** House Bill No. 463, H.D. 2, Relating to Eviction Records

**Purpose:** Requires that the courts make a good faith and diligent effort to seal all court records of any eviction proceeding within a reasonable time if certain conditions are met. Authorizes the court to seal certain eviction records upon motion by a tenant who is able to demonstrate that certain conditions apply. Requires the clerk of the court to provide access to sealed eviction records to the tenant. Makes it a discriminatory practice to discriminate against a person based on the knowledge or belief that the person has a sealed eviction record. Prohibits discrimination in real property transactions against a person with a sealed eviction record. Effective 7/1/3000. (HD2)

#### **Judiciary's Position:**

The Judiciary takes no position on the merits of the bill and submits the following concerns for the Legislature's consideration.

This bill would require the court to seal any summary possession or ejectment case



brought by a landlord against a tenant immediately after final resolution if the landlord does not prevail or all parties agree to the sealing of records. This measure would make it a discriminatory practice to require disclosure of any sealed eviction records in certain real property transactions.

The Judiciary appreciates the amendments made to the provisions found in section 2, page 3, lines 7-17, which now requires the court to make a good faith diligent effort to seal within a reasonable time. However, the Judiciary would like further consideration for the removal of the provision that includes “cases in the nature of ejectment.” Ejectment cases involve parties in which there is no landlord–tenant relationship; for example, when a property owner seeks to remove a squatter from a vacant lot.

The Judiciary previously testified that changes to the Judiciary Information Management System (JIMS) would likely be required and that an effective date of January 1, 2027 would be sufficient. After further review, the sealing of eviction records will require a more thorough analysis of the system and operational requirements. The Judiciary would be prepared to report back to the legislature before the next legislative session as to the necessary system modifications and possible appropriation.

While the Judiciary understands the hardships that can result from an eviction, it is important to note that court records are generally open to the public. The Judiciary takes the sealing of documents very seriously and requires careful case-by-case review. This allows the public to have confidence in the court system by knowing that access to court records are open, transparent, and available. A study to determine the various issues, impacts and the best approach should be considered.

Thank you for the opportunity to testify on this measure.



February 19, 2025

**The Honorable David A. Tarnas, Chair**

House Committee on Judiciary & Hawaiian Affairs  
State Capitol, Conference Room 325 & Videoconference

**RE: House Bill 463, HD2, Relating to Eviction Records**

**HEARING: Wednesday, February 19, 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 463, HD2, which requires that the courts make a good faith and diligent effort to seal all court records of any eviction proceeding within a reasonable time if certain conditions are met. Authorizes the court to seal certain eviction records upon motion by a tenant who is able to demonstrate that certain conditions apply. Requires the clerk of the court to provide access to sealed eviction records to the tenant. Makes it a discriminatory practice to discriminate against a person based on the knowledge or belief that the person has a sealed eviction record. Prohibits discrimination in real property transactions against a person with a sealed eviction record. Effective 7/1/3000.

Court records are generally open to the public and maintaining access to court records ensures transparency and accountability in the process. In addition to allowing housing providers to review a tenant's full rental history, this access also enables tenants to check for any violations by housing providers. Additionally, judges have the authority to seal a hearing on a case-by-case basis if requested so this measure may not be necessary.

Mahalo for the opportunity to provide testimony on this measure.



Medical-Legal Partnership  
for Children in Hawai'i

HB463 HD2 RELATING TO EVICTION RECORDS

House Committee on Judiciary & Hawaiian Affairs

Feb. 11, 2:00pm, Room 329

Aloha mai e Chair Tarnas, Vice Chair Poepoe, and members of the Committee:

The Medical-Legal Partnership for Children in Hawai'i provides free, direct legal services to patients in community health settings. Many of our clients are low-income tenants and tenants in public housing projects. We testify in **STRONG SUPPORT** for **HB463 HD2**, as it will allow tenants the ability to freely raise issues with their landlords in court, without fear of any legal interaction remaining permanently on their record to interfere with their ability to find other rental housing.

Every week we provide legal advice to tenants who have legitimate legal claims against their landlord- whether it be disputing the landlord's ledger calculations, issues with their landlord's notice, or wishing to challenge a landlord's assertions that they are violating the lease. We have seen a myriad of reasons landlords seek to evict folks ripe for legal challenges: leaving slippers outside, having the wrong color of curtains, and for supposedly feeding feral chickens. Even more worrisome is when tenants have documentation to dispute ledgers. None of these cases ever make it to court, as tenants are so worried about any legal interaction appearing on their record, they simply opt to leave their rental units rather than risk a 'record' visible to future landlords. Even with us as free attorneys advising clients, nearly every low-income tenant we work with would rather not challenge a landlord and risk a record of any court interaction prejudicing their rental housing search in the future.

As our state moves to implement support our local renters, new laws must allow tenants the ability to solve issues in court without worrying it will permanently prejudice their search for housing. **HB463 HD2 automatically seals eviction records when tenants prevail.** Provisions like this are needed to make clear that tenants should not fear future prejudice in their rental search just for raising legitimate claims in court.

Accordingly I respectfully ask that you PASS HB463 HD2.

Mahalo for the opportunity to provide testimony in support.

Deja Ostrowski, Esq.  
Medical-Legal Partnership for Children in Hawai'i  
808-728-0004; dejao@hawaii.edu



# HAWAII APPLESEED

## CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai'i Appleseed Center for Law and Economic Justice

### Support for HB463 HD2 – Eviction Records

House Committee on Judiciary

Wednesday, February 19, 2025 at 2:00 PM Conf. Rm. 325 and via Videoconference

---

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

Mahalo for the opportunity to testify in **strong support of HB463 HD2**, which would require the sealing of eviction records.

HB463 HD2 addresses the lasting negative impacts of eviction records on individuals' and families' ability to secure stable housing. Currently, the mere filing of an eviction case, regardless of its outcome or merits, stays on a tenant's record. Studies have indicated that this creates insurmountable barriers to future housing access<sup>1</sup>. This bill ensures that dismissed or resolved cases don't continue to unfairly impact tenants' housing opportunities by requiring immediate record sealing in eviction cases if the landlord is not granted repossession of the unit or if all parties agree to record sealing.

Property owners argue that sealing data on eviction filings eliminates crucial insights into damaged rental histories - citing eviction filings as evidence of late rent payment, nonpayment of rent or a violation of the lease terms, and thus proving poor tenancy. However, The Eviction Lab, one of the most comprehensive initiatives to track eviction filings across the nation, notes that court record data is consistently inaccurate and misleading - often not including information on the judgment in an eviction case, even when in favor of the tenant.<sup>2</sup> In one study, less than half of eviction filings led to actual evictions.<sup>3</sup> This ambiguity of eviction filing data falsely represents a tenant's rental history.

The current system of permanent, publicly accessible eviction records serves neither justice nor our community's interests. Studies indicate that simply being named in an eviction complaint, regardless of the merits or outcome, can severely limit future housing options and prolong housing insecurity.<sup>4</sup> This system perpetuates a cycle of financial instability. Without access to stable housing, individuals struggle to maintain employment, their children's education is disrupted, and their health suffers while costs ripple out to the entire community through increased use of emergency housing services.<sup>5</sup>

---

<sup>1</sup> <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1202&context=njlsp>

<sup>2</sup> <https://www.tandfonline.com/doi/pdf/10.1080/10511482.2020.1748084?needAccess=true>

<sup>3</sup> [https://housingactionil.org/downloads/EvictionBrief\\_February2019.pdf](https://housingactionil.org/downloads/EvictionBrief_February2019.pdf)

<sup>4</sup> <https://poverty.umich.edu/2024/07/16/research-shows-far-reaching-costs-of-eviction-filings-to-tenants-regardless-of-the-outcome-in-court/>

<sup>5</sup> [https://static1.squarespace.com/static/601374ae84e51e430a1829d8/t/65b1a4d6430f7676ae24ea08/1706140892699/Keeping+Hawaii+Housed\\_FINAL.pdf](https://static1.squarespace.com/static/601374ae84e51e430a1829d8/t/65b1a4d6430f7676ae24ea08/1706140892699/Keeping+Hawaii+Housed_FINAL.pdf)





# HAWAII APPLESEED

## CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai'i Appleseed Center for Law and Economic Justice

### Support for HB463 HD2 – Eviction Records

House Committee on Judiciary

Wednesday, February 19, 2025 at 2:00 PM Conf. Rm. 325 and via Videoconference

---

By sealing meritless eviction records, the bill better supports landlords to make *more informed* decisions about tenants while also preventing perpetual barriers to housing from individuals unfairly impacted in leasing decisions.

HB463 HD2 also permits record sealing of past judged cases by motion request of the tenant if tenants can provide substantial evidence that certain situations occurred, such as unlawful eviction from discriminatory or retaliatory practices. By recognizing that unlawful practices can still lead to evictions, Hawaii Appleseed recommends that the Committee amend this measure to include a provision to:

- **Seal records immediately, even if the judgment is in favor of the landlord for possession, while the appeal/motion to reconsider window (10 days) is open or a case is pending**

This amendment ensures that eviction records remain sealed during legal challenges and stay sealed if an appeal overturns the original ruling for possession.

When a ruling is later overturned, it can still create lasting barriers to housing through formerly public records. In today's rental market, automated tenant screening systems routinely reject applicants with any eviction filing, even if the case was dismissed or later sealed. Screening companies often store outdated records, buy and sell data in bulk without verification, and may continue reporting sealed evictions if they previously scraped or archived the information. Unlike other states with stronger regulations, Hawaii lacks state-specific laws requiring consumer reporting agencies to verify, update, or remove sealed eviction records, leaving tenants with little recourse beyond filing complaints under the Fair Credit Reporting Act or taking legal action. Without state-level protections, tenants remain vulnerable to wrongful denials of housing due to improperly retained eviction records.

Hawaii's severe housing affordability crisis and tight housing market already makes it difficult for residents to secure housing, making it particularly crucial that we remove unnecessary barriers to housing access. This bill represents a significant step toward ensuring that ambiguous data from eviction filings, especially those that did not result in evictions, do not create permanent obstacles to stable housing.

Hawaii Appleseed strongly urges the committee to pass HB 463 HD2. This legislation will help create a more just and equitable housing system in Hawaii while protecting the dignity and opportunities of our residents.

Mahalo for the opportunity to testify.



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

**RE: Testimony in Opposition to H.B. 463 H.D. 2, Relating to Eviction Records**  
Hearing: February 19, 2025 at 2:00 p.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to submit testimony in **opposition** to H.B. 463 H.D. 2.

We specifically oppose the provisions of this bill that seek to categorically seal and make unavailable public court records. Those provisions violate the First Amendment right of public access to judicial records and would be subject to challenge in court. *E.g.*, *Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 607-10 (1982) (striking down state statute that categorically barred public access to certain court proceedings because it failed to consider individualized circumstances on a case-by-case basis); *Civil Beat Law Ctr. for the Pub. Int., Inc. v. Maile*, 113 F.4th 1168, 1172 (9th Cir. 2024) (holding unconstitutional state court rule requiring categorical sealing of all medical and health records filed in any state court proceeding without a case-by-case analysis). Below we **recommend amendments** to address this constitutional concern.

Although we appreciate efforts to promote affordable housing, sealing court records is *not* the solution. In addition to constitutional concerns, sealing eviction court records has the potential to obscure abusive landlord practices and hinder reform efforts. *E.g.*, <https://www.aclu.org/press-releases/aclu-and-naacp-secure-access-to-public-eviction-records-in-data-scraping-case> ("The South Carolina NAACP will now have access to all of the public docket information it requires to provide services to tenants in eviction proceedings, and to engage in advocacy to enforce fair housing laws.").

Rather than categorically sealing court records, we respectfully urge this Committee to consider a technological solution through **disassociation**. Disassociation better serves the goal of preventing potential discrimination when landlords or others search the Judiciary's information management system—eCourt Kokua. Even when a case is entirely sealed, eCourt Kokua still associates the case with the parties involved. On the following page is a screenshot of search results for an individual with an expunged and sealed criminal record. Thus, even if an eviction case is sealed, it will still be associated with the tenant's name and show up in eCourt Kokua search results.



Party Name	Case	Case Type
Rogan, Jerome	<a href="#">21908</a> - STATE OF HAWAII, Plaintiff-Appellee v. JEROME ROG	Appeal
Rogan, Jerome, Tramaine	<a href="#">4596512MO</a> - State v. Jerome, Rogan	Traffic Crime
Rogan, Jerome, Tramaine	<a href="#">4596516MO</a> - State v. Jerome, Rogan	Traffic Infraction
Rogan, Jerome, Tramaine	<a href="#">4596515MO</a> - State v. Jerome, Rogan	Traffic Crime
Redacted	<a href="#">1PC970001153</a> - Case Title Redacted	Circuit Court Criminal

A more direct and effective solution than sealing would be to disassociate the *case* from the *name of the tenant*. That way, an eCourt Kokua search of the tenant's name would yield no eviction case. The case would still be searchable by the name of the landlord, which ensures abusive housing practices are not obscured. And by not requiring automatic sealing, the public's First Amendment right of access is not an issue. We thus recommend the following amendments at **page 2, line 7** to **page 5, line 8** (changes in bold):

"§666-\_\_\_\_ Eviction records; [sealing] disassociation.  
(a) Within a reasonable time, [The] the court shall [make a good faith and diligent effort to seal] disassociate a residential tenant [within a reasonable time] from [all court records of any] a legal proceeding brought by a landlord to evict [a residential] the tenant [, whether by a summary possession proceeding or an action in the nature of an action of ejection or otherwise] if:  
(1) The final resolution of an eviction proceeding does not result in a judgment for possession in favor of the landlord, including instances in which a case was dismissed for any reason; or  
(2) All parties agree to the [sealing of records] disassociation, regardless of the final disposition of the claim.  
(b) The court may [seal] disassociate a residential tenant from a [court records of any] legal proceeding brought by a landlord to evict [a residential] the tenant [, whether by a summary possession proceeding or an action in the nature of an action of ejection or otherwise,] upon motion by [a residential] the tenant if the [residential] tenant demonstrates by a preponderance of the evidence that:

[. . . subparagraphs 1 thru 7 . . .]

(c) [Upon written request, the clerk of the court shall provide access to a record sealed under this section to the residential tenant.] As used in this section:

"Disassociate" means to remove a residential tenant's name from the judiciary's publicly accessible electronic databases to ensure that the legal proceeding cannot be accessed online by the tenant's name."

We also respectfully urge this Committee to focus the bill on discriminatory housing practices based on an individual's **status**. Simply prohibiting discriminatory practices based on a "sealed eviction record" does not fulfill the intent of this measure. For example, H.B. 463 H.D. 2 does not prohibit a landlord from denying housing on the basis of an individual previously being the subject of a failed eviction action. Yet that is the core purpose of this bill. We thus recommend the following amendments at **page 5, lines 13 - 16**:

"§515- [Sealed eviction records] Eviction discrimination; prohibited. It is a discriminatory practice for a person to engage in any act deemed unlawful under this chapter based on the actual knowledge or belief that a person has [a sealed eviction record] been the subject of an eviction action identified in section 666- ."

To conform the remainder of the bill to the amendments proposed above, we further recommend the Committee **delete section 4** and **replace** "sealed eviction record" with "status as a residential tenant in an eviction action identified in section 666-\_\_" at **page 6, line 9; page 11, line 20; page 13, lines 3 and 11; page 14, line 6; page 16, lines 7 - 8; and page 17, lines 1 - 2**.

Careful consideration of the constitutional issues implicated by this bill is warranted. There are alternatives to sealing that can deliver similar, if not better, results without the inevitable uncertainty and delay in reform efforts that would be caused by passing a plainly unconstitutional law.

Thank you again for the opportunity to testify in opposition to H.B. 463 H.D. 2.



Testimony of **Lahaina Strong**  
Before the House Committee on  
**Judiciary & Hawaiian Affairs**

In Support of House Bill No. 463 HD 2  
**RELATING TO EVICTION RECORDS**

To Chair Tarnas, Vice Chair Poepoe, and the honorable members of the committee,

We are writing on behalf of Lahaina Strong, an organization deeply rooted in our community's resilience and advocacy. Originally formed in 2018 following the Hurricane Lane fire in Lahaina and revitalized after the devastating fires of August 8, 2023, Lahaina Strong has become the largest grassroots, Lahaina-based community organization, with over 35,000 supporters. Our mission is to amplify local voices and champion community-driven solutions, which are more critical than ever as we continue rebuilding and recovering.

Lahaina Strong **stands in support of House Bill 463 HD2**, which seals eviction records, recognizing it as a necessary step toward housing justice and economic stability for our community. The housing crisis in Maui—exacerbated by the August 8th wildfires—has left families struggling with skyrocketing rents, displacement, and limited options for stable housing.

Too often, an eviction record—whether justified or not—becomes a life sentence, preventing families from securing future rentals. Many in our community have faced no-fault evictions, predatory rent increases, or have been forced into impossible decisions just to keep a roof over their heads. This bill ensures that those who were unjustly evicted, entered settlements, or had their cases dismissed are not permanently penalized for circumstances beyond their control.

In a time when families are already facing immense hardship, this bill offers a fair chance to rebuild. **Housing is a human right**, and no one should be locked out of stability because of a past eviction that does not reflect their ability to be a responsible

tenant. Lahaina Strong urges you to **pass House Bill 463 HD2** to help ensure that our 'ohana have a fighting chance at staying housed in the community they call home.

Mahalo for your attention to this vital matter and your dedication to safeguarding our community.

Lahaina Strong

**HB-463-HD-2**

Submitted on: 2/17/2025 6:04:01 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kayla Marie	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure

**HB-463-HD-2**

Submitted on: 2/17/2025 9:03:46 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kiana Otsuka	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is Kiana Otsuka, and I am an O‘ahu resident writing in **support of HB463 HD2**, which requires that the courts make a good faith and diligent effort to seal all court records of any eviction proceeding within a reasonable time if certain conditions are met, authorizes the court to seal certain eviction records upon motion by a tenant who is able to demonstrate that certain conditions apply, requires the clerk of the court to provide access to sealed eviction records to the tenant, makes it a discriminatory practice to discriminate against a person based on the knowledge or belief that the person has a sealed eviction record, and prohibits discrimination in real property transactions against a person with a sealed eviction record.

Eviction records pose a serious barrier to housing for tenants. The threat of an eviction record often prevents tenants from asking for repairs or asking their landlord to address habitability issues. By sealing records in cases where tenants prevails, tenants can feel more empowered to assert their rights.

Please pass this bill to help the 40% of Hawai‘i households that rent.

Thank you for the opportunity to testify.

Mahalo,

Kiana Otsuka



**HB-463-HD-2**

Submitted on: 2/18/2025 11:13:37 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello Chair, Vice Chair, and Members of the Committee,

My name is Nanea Lo, and **I strongly support HB 464**, which seeks to provide tenants with more time to secure stable housing before facing displacement. As a Kanaka Maoli and a lineal descendant of the Hawaiian Kingdom, a member of the Honolulu Tenants Union, an Executive Commission Member of the Sierra Club of Hawai‘i, and a board member of the Hawai‘i Workers Center, I am deeply concerned about the challenges tenants face in Hawai‘i’s volatile housing market.

Currently, tenants can lose their housing with just 45 days’ notice. In our state’s severe housing crisis, where rents are skyrocketing and the availability of affordable housing is scarce, this simply isn’t enough time for individuals and families to secure a new place to live. Too often, tenants are forced into precarious living situations, experiencing housing instability or even homelessness due to such short notice.

Extending the notice period would provide tenants with the time they need to find adequate and affordable housing without being forced into crisis. This is a basic protection that aligns with our shared values of community stability and housing as a fundamental human right.

I urge you to pass HB 464 to support tenants and prevent unnecessary displacement in our communities.

Me ke aloha ‘āina,

**Nanea Lo**

Mō‘ili‘ili, HI 96826

Member, Honolulu Tenants Union

Executive Commission Member, Sierra Club of Hawai‘i

Board Member, Hawai‘i Workers Center

Kanaka Maoli / Lineal Descendant of the Hawaiian Kingdom

# DAVID W.H. CHEE

David W.H. Chee  
Telephone: 808-539-1150  
mail: [dchee@dcheelaw.com](mailto:dchee@dcheelaw.com)

Attorney at Law  
1001 Bishop Street  
ASB Tower, Suite 585  
Honolulu, Hawaii 96813  
Facsimile No. 808-208-8689

Christine S. Prepose-Ka  
Telephone: 808-784-4444  
Email: [cprepose@dcheelaw.com](mailto:cprepose@dcheelaw.com)

February 18, 2025

## Ways and Means Committee

Senator Donovan M. Dela Cruz, Chair  
Senator Sharon Y. Moriwaki, Vice Chair

## Committee on Judiciary

Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

RE: HB463 HD2 Re Eviction Records.

Dear Senators,

I am an attorney and have practiced law for over 30 years. I write in opposition to this legislation for reasons of public policy and transparency.

This legislation will set a poor precedent for the public's right to know what its government is doing. Without access to Court records, the public cannot see what the Judiciary is doing in the area of evictions. The public cannot provide oversight over the Judiciary, which is a government entity that is intended to serve the people and should be held accountable to the people for their decisions.

In order for the public to have oversight on what the Judiciary does and raise concerns about what that branch of our government is doing, it needs to be able to access Court records. Sealing public records not only denies the public knowledge of what happened in particular cases, it deprives the public from knowing how the Court handles cases generally, how the Court justifies rulings, and what procedures are being implemented. Without that information, there cannot be public oversight over the Judiciary. That is why, historically, cases have been sealed in very very limited circumstances, because the public has the right to see what this branch of their government does.

Sealing records in civil matters such as these, sets a very dangerous precedent about denying the public access to information they would otherwise have a right to see and opens the door for court proceedings to be done in secret. Considering our current political climate, all of us should be resisting government secrecy.

Instead of focusing on sealing and denying access to public records, the problem outlined by the legislature is better addressed by providing landlords and tenants resources to foster settlements before a lawsuit is even needed.

Thank you for considering my testimony.

February 18, 2025

Page 2

(RE: SB22)

Please let me know if you have any questions.

Very truly yours,

/s/ David W. H. Chee

David W. H. Chee

Dina Shek  
Honolulu, HI 96822

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Hearing Date: February 19, 2025 at 2:00 PM (Room 325)

**Re: SUPPORT for HB 463 HD 2, Relating to Eviction Records**

Dear Committee Members,

I offer this testimony in strong support of HB 463 HD 2 which would increase access to justice for tenants, especially those facing predatory landlords, retaliation, and substandard housing conditions. In my work as the Legal Director of the Medical-Legal Partnership for Children in Hawai‘i, we see numerous housing matters every year where tenants decline legal representation for legitimate and meritorious housing cases due to their fear of having an eviction case on their record. In these instances, the courts become a tool of intimidation rather than a system for justice. Vulnerable tenants should not feel intimidated from asserting their legal rights, and HB 463 HD 2 is an important step to expanding justice for Hawaii’s residents.

According to the [Low Income Housing Coalition](#), at least a dozen states have passed laws related to the sealing or expungement of eviction records. We have seen how important it is for tenants to maintain – and be able to advocate for – stable housing in Hawai‘i, especially during times of public health emergencies and climate disasters. HB 463 HD 2 is a significant measure to prevent the further displacement of Hawai‘i residents without due process by ensuring that people can access the courts without fear of reprisals and further housing instability.

Thank you for this opportunity to submit testimony in support of HB 463 HD 2.

/s/

Dina Shek