



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

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**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

HOUSE COMMITTEE ON HOUSING

**DATE:** Friday, January 31, 2025

**TIME:** 9:15 a.m.

**LOCATION:** State Capitol, Room 430

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Alyssa-Marie Kau, or Christopher T. Han, Deputy Attorneys  
General

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Chair Evslin and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill requires that all court records of any eviction proceeding be sealed within specified timeframes upon resolution of the proceeding. It also authorizes the court to seal certain eviction records prior to the expiration of these timeframes upon motion by a tenant who is able to demonstrate that certain conditions apply. Additionally, this bill requires the clerk of the court to provide access to sealed eviction records to the tenant.

Additionally, part III of this 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. Page 5, line 14, through page 18, line 8. However, this part may face legal challenge under the First Amendment of the United States Constitution.

Specifically, subsection (b) of the proposed new section of chapter 515, Hawaii Revised Statutes, prohibits requiring disclosure of sealed eviction records. This provision may be construed as a prohibition on inquiries, which constitute speech. The Ninth Circuit Court of Appeals overturned a similar ordinance in Seattle, Washington, which prohibited landlords from requiring disclosure of prior criminal records of current or potential tenants and taking adverse action against them. See *Yim v. City of Seattle*,

63 F.4th 783 (9th Cir. 2023). The Ninth Circuit found that the blanket prohibition on inquiring into the criminal history of the applicants was not narrowly drawn to achieve the city's interest in combatting the crisis of houselessness among the formerly incarcerated and landlords' use of criminal history as a proxy for race. *Id.* at 795-799. In reaching this conclusion, the Court compared ordinances from other cities, which did not foreclose all inquiries into criminal history by landlords. *Id.*

In similar ordinances in Portland and Minneapolis that were examined by the *Yim* Court, landlords are allowed to conduct an initial screening without looking at the applicant's court records, then permitting the landlord to order an additional background check in a limited subset of offenses. *Id.* at 796-798. The landlord would then be required to provide the applicant a copy of the report and give the applicant an opportunity to provide mitigating information. *Id.* Another example allowed landlords to either consider an applicant's entire history, but complete a written individualized evaluation of the applicant, and explain any rejection in writing, or consider only a limited subset of offenses without any additional procedures. *Id.*

To address this issue, we recommend amending subsection (b) (page 6, lines 1-3) to state:

(b) It is a discriminatory practice for any person to require another person to disclose sealed court records of any legal proceeding brought by a landlord to evict a residential tenant, whether by summary possession or ejectment, that did not lead to the residential tenant's eviction older than [insert a certain length of years] years from the date of the tenant's application as a condition of:

Even with these amendments, legal infirmities may remain with this bill. The *Yim* Court did not address whether the ordinances passed by other cities were constitutional. It only concluded that Seattle's ordinance did not survive the commercial speech test under the less rigorous intermediate scrutiny standard. In other words, the ordinance was not considered the most reasonable and narrowly tailored way to achieve the City's objectives and did not impose substantially more restrictions on speech than necessary. *Id.* at 798.

Therefore, we recommend adding a severability clause to the bill as a new section, starting at page 18, line 10, as follows:

SECTION 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable. The current sections 10 and 11 should be renumbered accordingly. While the common law doctrine of severability allows a court to remove the unconstitutional part of a law that is found only partially unconstitutional, an explicit severability clause would underscore this intent.

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 Housing

Representative Luke A. Evslin, Chair

Representative Tyson K. Miyake, Vice Chair

Friday, January 31, 2025, 9:15 a.m.

By:

Michelle D. Acosta

Deputy Chief Court Administrator

District Court of the First Circuit

#### **WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 463 – Relating to Eviction Records

**Purpose:** Requires that all court records of any eviction proceeding be sealed within specified timeframes upon resolution of the proceeding. Authorizes the court to seal certain eviction records prior to the expiration of these timeframes 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 require a person to disclose a sealed eviction record as a condition of certain real property transactions. Prohibits discrimination in real property transactions against a person with a sealed eviction record.

#### **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 either 1) immediately after final resolution if the landlord does not prevail or all parties agree to the sealing of records, and 2) within two years after landlord's claim regardless of the final disposition of the claim. This measure would make it a discriminatory practice to require disclosure of any sealed eviction records in certain real



property transactions.

The Judiciary has concerns regarding provision #1 (section 2, page 3, lines 12-18), which would require the court to seal a summary possession or ejectment case immediately if possession was not obtained by the landlord or all parties agree to the sealing of the records. The Judiciary is concerned that additional staff may be required to accomplish “immediate” sealing of these cases. Case resolution such as a dismissal or settlement that occurs in court would require the judicial clerk to take on these duties that they are not currently tasked with. However, if a plaintiff/landlord fails to serve the defendant/tenant the case may be dismissed for lack of service. This requires the legal documents section to monitor the cases and individually evaluate the case to determine if it qualifies for sealing. The Judiciary will need time to assess whether or not changes to the Judiciary Information Management System (JIMS) will have to be made to help staff accomplish the requirements of this legislation.

The Judiciary also has concerns regarding provision #2 (section 2, page 3, line 20-21 and page 4, line 1-2), which would require the court to seal the case after two years regardless of the final disposition of the claim. This would require manual review of every summary possession case by court staff. Further, when a case is sealed in JIMS the case is no longer accessible by the parties electronically. All documents subsequently filed by either party will have to be submitted to the court in person or by mail. Section 657-5, Hawai‘i Revised Statutes (HRS) presumes that a judgment has been paid or discharged after 10 years unless the judgment is extended for another 10 years. Meaning a judgment can be collected upon for up to 20 years. As part of the collection process, a judgment creditor, such as a plaintiff-landlord, will often submit motions for garnishments, order for examinations, writ of executions or writ of attachments in an effort to collect on the judgment. These documents are often submitted to the court well beyond two years. This provision also does not take into consideration a case that has been appealed. Sealing the document would increase paper filing, causing strain on limited court staff and difficulties to the parties.

The Judiciary anticipates that significant changes will need to be made to JIMS in order to pursue an automatic feature that would allow for the sealing of eviction records in either situation. The Judiciary would request an effective date of January 1, 2027.

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.

Thank you for the opportunity to testify on this measure.

**HB-463**

Submitted on: 1/29/2025 9:16:44 AM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Maui Housing Hui	Maui Housing Hui	Support	Remotely Via Zoom

Comments:

The Maui Housing Hui is in support of this measure.

Mahalo



January 31, 2025

**The Honorable Luke A. Evslin, Chair**

House Committee on Housing

State Capitol, Conference Room 430 & Videoconference

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

**HEARING: Friday, January 31, 2025, at 9:15 a.m.**

Aloha Chair Evslin, Vice Chair Miyake, and Members of 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, which requires that all court records of any eviction proceeding be sealed within specified timeframes upon resolution of the proceeding. Authorizes the court to seal certain eviction records prior to the expiration of these timeframes 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 require a person to disclose a sealed eviction record as a condition of certain real property transactions. Prohibits discrimination in real property transactions against a person with a sealed eviction record.

Under this measure, it mandates the sealing of eviction records immediately in certain cases and within two years even when the landlord prevails. Housing providers need access to full rental history to make informed decisions and mitigate any risks associated with nonpayment of rent or rental agreement violations. Additionally, besides non-payment of rent, there are also situations where eviction is due to health and safety concerns, such as a tenant threatening the safety and health of others or damaging the property. As such, HAR has concerns that sealing eviction records would remove critical information from the tenant-screening process.

Furthermore, the federal Fair Credit Reporting Act<sup>1</sup> requires that information about late or missed payments must legally remain on an individual's credit report for up to seven years. Sealing these records after just two years, such as in cases of nonpayment of rent, would conflict with this requirement.

Mahalo for the opportunity to provide testimony on this measure.

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<sup>1</sup> Federal Trade Commission. (May 2023). *Fair Credit Reporting Act*. 15 U.S.C. § 1681.  
[https://www.ftc.gov/system/files/ftc\\_gov/pdf/fcra-may2023-508.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/fcra-may2023-508.pdf)



House Committee on Housing  
Honorable Luke Evslin, Chair  
Honorable Tyson Miyake, Vice Chair

**RE: Testimony in Opposition to H.B. 463, Relating to Eviction Records**  
Hearing: January 31, 2025 at 9:15 a.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. We specifically oppose the provisions of this bill that categorically seal and make unavailable public court records.

As written, H.B. 463 raises constitutional concerns under the First Amendment right of public access to judicial records. *E.g., Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 607-10 (1982) (striking down state statute that barred public access to court testimony by minor victims of sex crimes 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 that required categorical sealing of all medical and health records filed in court without a case-by-case analysis).

We respectfully suggest a more direct approach, targeted at the relevant discrimination statutes. Focusing the measure on an individual's *status* – instead of the individual's "sealed eviction records" – would broaden the scope of protection and better effectuate the intended public benefit. The Committee could prohibit, for example, discriminatory housing practices that are based on an individual's status as a defendant in an eviction action that did not result in a judgment or writ of possession against the individual. Hiding court records is not the solution.

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







# HAWAII APPLESEED

## CENTER FOR LAW & ECONOMIC JUSTICE

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

### Support for HB463 – Eviction Records

House Committee on Housing

Friday, January 31, 2025 at 9:15AM Conf. Rm. 425 and via Videoconference

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Aloha Chair Evslin, Vice Chair Miyake, and members of the committee;

Mahalo for the opportunity to testify in **strong support of HB463**, which would require the sealing of eviction records and prohibit discrimination based on sealed eviction records in housing-related transactions.

HB463 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:

1. Requiring immediate record sealing if the landlord is not granted repossession of unit or if all parties agree to record sealing
2. Automatically sealing records after 2 years if the court rules in favor of the landlord
3. Allowing early record sealing before the 2 year mark by request of the tenant if tenants can provide evidence that certain situations occurred, such as domestic violence and discrimination cases
4. Prohibiting discrimination based on sealed records or requiring sealed record disclosure for housing, loans, or real estate services

Property owners argue that sealing data on eviction filings eliminates crucial insights into rental history - 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,

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

<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)



# HAWAII APPLESEED

## CENTER FOR LAW & ECONOMIC JUSTICE

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

### **Support for HB463 – Eviction Records**

House Committee on Housing

Friday, January 31, 2025 at 9:15AM Conf. Rm. 425 and via Videoconference

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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 services.<sup>5</sup>

By sealing eviction records after resolution and providing a path for early sealing in certain circumstances, this bill helps individuals and families maintain access to stable housing and prevent being unfairly impacted in leasing decisions. The bill allows landlords to make informed decisions about recent eviction proceedings, while preventing past, resolved evictions from creating perpetual barriers to housing.

The bill also recognizes that certain resolvable issues, such as small judgments under \$500 shouldn't create long-term housing barriers, and provides a path for sealing such records. This helps prevent minor financial setbacks from causing prolonged housing instability.

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

I strongly urge the committee to pass HB 463. 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.

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<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 WORKERS CENTER

Defending and Respecting the workers of  
Hawai'i

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January 29, 2025

**Executive Board  
Committee**

Rev. Sam Domingo  
*Board Chair*

Mary Ochs  
*Vice Chair*

Dr. Arcelita Imasa  
*Secretary*

Kami Yamamoto  
*Treasurer*

**Board Members**

Yoko Liriano

Nanea Lo

Innocenta  
Sound-Kikku

Ray Catania

Justin Jansen

Leyton Torda

Kami Yamamoto

CJ Johnson

**Executive Director**

Sergio Alcubilla III, Esq.

Hawaii State House of Representatives

Committee on Housing

Rep. Luke Evslin, Chair

Rep. Tyson Miyake, Vice Chair

**RE: STRONG SUPPORT for H.B. 463 Relating to Eviction Records**

Dear Chair Rep. Evslin, Vice-Chair Rep. Miyake, and Members of the Committee on Housing:

The Hawaii Workers Center (HWC) envisions a Hawaii in which all workers are empowered to exercise their right to organize for their social, economic and political well-being.

It is a resource of information, education, training and organizing for Hawaii's workers.

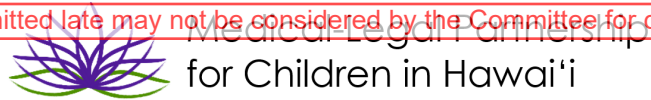
The HWC stands in **strong support of H.B. 463** which requires that all court records of eviction proceedings are sealed immediately in cases where the tenant prevails. Requires that court records of eviction proceedings are sealed within 2 years in cases where the landlord prevails. Prohibits discrimination in real property transactions against a person with a sealed eviction record.

This bill is driven by the members of the Maui Tenants & Workers Association, a project of the Hawaii Workers Center to help ameliorate the housing crisis on Maui and the unlevel playing field that renters face against unscrupulous landlords. A potential landlord may simply do an online search on the Judiciary website and see a summary possession case and deny a tenant's application without understanding the whole case. Eviction records pose a serious barrier to housing for tenants. The threat of an eviction record often prevents tenants from making waves by asking for repairs or asking their landlord to address habitability issues. By sealing records in cases where tenants prevail, tenants can feel more empowered to assert their rights.

Thank you for your consideration in support of H.B. 463.

Sincerely,

Sergio Alcubilla  
Executive Director



## HB463 RELATING TO EVICTION RECORDS

House Committee on Housing

Jan. 31, 9:15am, Room 430

Aloha mai e Chair Evslin, Vice Chair Miyake 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**, 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 to make 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 the are ripe for legal challenges: leaving slippers outside, having the wrong color of curtains, and for supposedly feeding feral chickens. None of these cases every 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 assert their rights. Even with us as free attorneys advising clients, nearly every low-income tenant we work with would rather not challenge a landlord and risk their 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 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.

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

**HB-463**

Submitted on: 1/29/2025 4:31:56 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Anna Mines	Individual	Support	Written Testimony Only

## Comments:

I am writing in support of HB463. Eviction records pose a serious barrier to housing for tenants, both in finding homes and in asking their landlord to address habitability issues. By sealing records in cases where tenants prevail, tenants can feel more empowered to assert their rights. This is an important step for addressing the houselessness issue.

**HB-463**

Submitted on: 1/29/2025 8:02:24 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Momi Vee	Individual	Support	Written Testimony Only

## Comments:

Please Support HB 463, this requires that all court records of eviction proceedings to be sealed immediately in cases where the tenant prevails. It Requires that court records of eviction proceedings are sealed within 2 years in cases where the landlord prevails. It also prohibits discrimination in real property transactions against a person with a sealed eviction record. **Why?** Eviction records pose a serious barrier to tenants and housing. The threat of an eviction record often prevents tenants from making waves by asking for repairs or asking their landlord to address habitability issues. By sealing the records in cases where tenants prevail, tenants can feel more empowered to assert their rights. And therefore everyone wins. Thank you for your time and consideration.

**HB-463**

Submitted on: 1/29/2025 10:35:52 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeremiah Brown	Individual	Support	Written Testimony Only

Comments:

**Aloha,**

**I am a teacher and my students have often shared that their families' apartments don't have hot water or a working refrigerator, or that light fixtures aren't repaired and plumbing issues are not fixed. They have told me that if they complain to their landlord, they will not be able to renew their lease or that the landlord will find cause to evict them. As a result, my students and their families live in substandard conditions, affecting their education.**

**I strongly urge you to pass this bill as it will empower tenants, often those in marginalized communities, to request that basic repairs be made to make their homes livable.**

**HB-463**

Submitted on: 1/29/2025 10:53:26 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

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

Comments:

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

My name is Nanea Lo, and I am writing in **strong support of HB 463**, which would seal eviction records in cases where tenants prevail. As a Kanaka Maoli and a lineal descendant of the Hawaiian Kingdom, a member of the Honolulu Tenants Union, a Sierra Club of Hawai‘i Executive Commission Member, and a board member of the Hawai‘i Workers Center, I have witnessed firsthand the struggles tenants face in securing stable housing in Hawai‘i.

Eviction records pose a serious barrier to housing for tenants, even when they win their cases. The mere existence of an eviction filing—regardless of the outcome—can unfairly stigmatize tenants, making it harder for them to find future housing. This disproportionately affects our most vulnerable communities, including low-income families, kūpuna, and Kānaka Maoli who are already fighting to remain in our homeland.

Moreover, the fear of an eviction record discourages tenants from asserting their basic rights, such as requesting necessary repairs or addressing unsafe living conditions. By sealing eviction records when tenants prevail, HB 463 helps balance the scales, ensuring that tenants are not unjustly punished for standing up for their rights.

This measure is a step toward housing justice in Hawai‘i, where the cost of living continues to rise, and too many of our people are being pushed out. I urge you to pass HB 463 to protect tenants from unnecessary barriers to housing and to create a more just and equitable rental system.

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



**HB-463**

Submitted on: 1/30/2025 3:42:30 AM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Stoph Kasak	Individual	Support	Written Testimony Only

Comments:

Sealing of these records is a social imperative.

They are regularly used to blacklist innocent tenants from the monstrous [un-]"housing" market. It's despicable how the merest whiff of identification of potential "problem tenants" (read: tenants who are enabled & empowered to even successfully contest the savage routine weaponization of the [in-]"Justice" dept. arm of the State's attempts at violent infliction of life-upending and trauma rending eviction mill), under the totalitarian surveillance architecture of the land hoarding & cruelty lording Owner Classes and their eager & servile servant co-conspirator collaborators in the political & judiciary spheres, is enough to destroy lives of the working peoples of Hawai'i Nei by barring them from any consideration for the great privilege of continuing to even able to offer our own hyper-exploitation of our labor power into our monthly subscription fealty tribute fees to these unscrupulous, predatory, & insatiable greed driven parasites in search of easy marks & enfeebled victims.

It's a disgusting stain on any claim to Just Society that they've been made available all these years; making a sick joke out of any claimed semblance of "innocent until proven guilty" so called Justice System. Just a complete bare naked weaponization of the State's violence infliction capacity in service to it's plutocratic rulers. One hint ever of accusation tarring, and people's records are marred, barring chances at finding further additional tenancy. Retire this barbarically savage practice now or don't even pretend to yourself you at all serve anyone other than the parasitic landlords & owner classes, let alone the working peoples.

~\*\$toph Kasak

Maui Tenants & Workers Association steering committee member

former Occupant of Occupy Wall Street- Maui, Occupy Our Homes working group

Working tenant & Hawai'i resident

## TESTIMONY IN SUPPORT OF HB463

Aloha Committee Members,

I am Barbara Tom testifying as a private citizen and as the Director of an Immigrant/Migrant Center in Waipahu. I am in full support of HB463 to require the courts to seal eviction records, within a specified timeframe. The procedure of sealing the eviction records will prevent discriminatory practices against individuals and families who continue to seek housing.

After the Pandemic, we saw many families evicted once the moratorium was ended. Families whose jobs were put on hold and although multiple members were working prior to the pandemic, it was difficult to find employment. They struggled to find another place. The process of sealing the eviction would prevent discrimination by other landlords and allow families to seek and apply for housing.

I am in full support of HB463

Sincerely,  
Barbara Tom  
98-1854 Mikinolia Place  
Aiea, HI 96797

**HB-463**

Submitted on: 1/30/2025 7:48:37 AM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
carol lee kamekona	Individual	Support	Written Testimony Only

## Comments:

I support hb463. Many a times I had mentioned things needing to be addressed with where I lived. Minor issues like leaky faucet, broken toilet handle would get fixed. But ants, rats, roaches and termites . Placing rat traps around the outside of the unit was provided. Termites ate through my wooden furniture. If I had the money to file suit, my rent would have been raised enormously. Would I have prevailed in Court? Would there be other repercussions to my filing? Would our cars have been vandalized? Could I have faced an unwarranted eviction? Probably! So had I filed a suit and prevailed, I would definitely want to know my voice isn't the reason I would be discriminated upon later.

i sm in support of hb463. Mahalo!

carol lee kamekona

kahului, maui

**HB-463**

Submitted on: 1/30/2025 8:55:32 AM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Weitz	Individual	Support	Remotely Via Zoom

## Comments:

Unstable housing is a significant threat to mental health. I have experienced this personally (not eviction related) over the past years living here, and it has made it very difficult to succeed in higher functions, such as doing my job. However, I have an experience from a former housemate to relate. She lived in a monster house due to the difficulty finding an affordable place to live close to work. Over time she realized the landlord was abusing their power in a lot of ways. One day, a tenant got into a debate with the landlord, and the landlord physically assaulted the tenant. My friend got a video of this, and called the police. The landlord then filed an eviction notice. My friend had difficulty finding a new place, but she did through personal relationships because at that point she wasn't appealing on applications. She moved into my house. Our landlord was sexually harassing us and invading our privacy. When I asked him to stop, he made the environment inhospitable. The state civil rights commission settled a case against him on my behalf due to this. Two of us chose to give our 30 day notice immediately due to his treatment, however our other friend who already had an eviction notice on her record and would have difficulty finding another place, wanted to stay. Within 15 minutes of our move-out notice, she received an eviction. This was clearly a retaliatory eviction, and she did go to court with him over this. She and the landlord ended up dropping the charges against each other over time, but just having this additional record on file made it even harder for her to find a place. I have witnessed firsthand how landlords abuse their power in how they wield evictions when they are actually in the wrong, and this throws tenants lives into chaos, making it difficult to perform even the most basic functions. Tenants at minimum need more time to cope with these life altering events when they happen.

**HB-463**

Submitted on: 1/30/2025 9:12:41 AM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Aria Juliet Castillo	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Evslin and Vice Chair Miyake and the Committee

Please support HB 643, which will seal eviction proceeding when the tenant prevails. Tentants should feel secure in asking for repairs or raising concerns about safety issues without fear of retaliation. They shouldn't live in fear that this would harm their chances of securing a new place to live.

Mahalo

Aria Juliet Castillo, Kailua HI

**HB-463**

Submitted on: 1/30/2025 9:22:13 AM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jordan Hocker	Individual	Support	Remotely Via Zoom

Comments:

Aloha Chair Evslin, Vice Chair Miyake and members of the housing committee,

My name is Jordan Hocker and I began volunteering as a tenants organizer on Maui in late 2021, motivated by the housing crisis caused by Covid and watching many of my friends and co workers struggle to find affordable and safe living conditions. I am a renter and currently act as the Outreach and Education Coordinator with the Maui Housing Hui, a grassroots organization aimed at promoting equity for renters. This testimony is on my own behalf.

HB463 should be passed because an eviction on a renter's record makes it more difficult for them to find housing. In the case of a retaliatory eviction or where a judge finds no fault from tenant, then that record should not contribute to their potential housing stability. It would be an act of equity during a time that the situation for renters is harder than ever. Rental prices on Maui have increased 44% in the last 2 years and we have a deficit of affordable units to meet our needs. We are calling on the legislature to grant us practical relief from the onslaught and pass HB463 out of this committee.

Thank you for your time and consideration,

Jordan Hocker

**HB-463**

Submitted on: 1/30/2025 2:06:11 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Alana Kay	Hawaii Workers Center	Support	Remotely Via Zoom

Comments:

I strongly support this bill because housing is a basic human need and evictions on file are cruel and overly punitive.

**HB-463**

Submitted on: 1/30/2025 9:33:06 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
dale chappell	Individual	Support	Written Testimony Only

Comments:

- **HB463: Requires that all court records of eviction proceedings are sealed immediately in cases where the tenant prevails.** Requires that court records of eviction proceedings are sealed within 2 years in cases where the landlord prevails. Prohibits discrimination in real property transactions against a person with a sealed eviction record.
  - **Why?** Eviction records pose a serious barrier to housing for tenants. The threat of an eviction record often prevents tenants from making waves by asking for repairs or asking their landlord to address habitability issues. By sealing records in cases where tenants prevail, tenants can feel more empowered to assert their rights.



**HB-463**

Submitted on: 1/30/2025 9:46:53 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Dina Shek	Individual	Support	Written Testimony Only

Comments:

I strongly support HB 463 (Relating to eviction records). This is a critical measure that would increase access to justice for tenants facing predatory landlords and unlawful 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 is an important step to expanding justice for Hawaii’s residents.