



The Judiciary, State of Hawai'i

**Testimony to the Thirty-Third State Legislature
2025 Regular Session**

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

Wednesday, April 2, 2025 at 2:00 p.m.
Conference Room 325 & Videoconference

By:

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

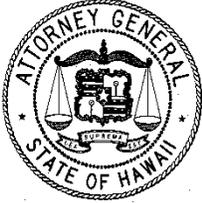
Bill No. and Title: Senate Bill No. 822, SD 2, HD1 – Relating to Landlord Tenant Code.

Purpose: Establishes a three-year Residential Landlord-Tenant Code Working Group within the Department of the Attorney General. Requires an initial report to the Legislature prior to the Regular Session of 2026 and a final report no later than 7/1/2028. Effective 7/1/3000. (HD1)

Judiciary's Position:

The Judiciary SUPPORTS the establishment of a 3 year working group to research and improve the Residential Landlord-Tenant Code. The Judiciary believes that a working group would be a productive way of determining the issues facing landlords and tenants with the goal of developing statutes that will benefit both groups.

Thank you for the opportunity to testify on this measure.



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

ON THE FOLLOWING MEASURE:

S.B. NO. 822, S.D. 2, H.D. 1, RELATING TO THE LANDLORD TENANT CODE.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Wednesday, April 2, 2025

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Christopher T. Han, or Christopher J.I. Leong, Deputy Attorneys
General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) opposes this bill and provides the following comments.

This bill establishes a three-year working group within the Department to research and improve the Residential Landlord-Tenant Code.

The Department notes that the topics to be researched by the working group extend beyond the Department's legal role and areas of subject-matter specialization. For example, the bill requires the working group to evaluate financial and procedural barriers to offering or obtaining housing, a task better suited for real estate agents, economists, or state agencies with expertise in housing.

Furthermore, landlord-tenant disputes fall outside the Department's jurisdiction, as the Department is statutorily authorized to generally provide legal services to "the governor, legislature, and such state departments and officers as the governor may direct[.]" and to "give advice and counsel to the heads of departments, district judges, and other public officers, in all matters connected with their public duties[.]" Sections 26-7 and 28-4, Hawaii Revised Statutes (HRS). The Legislative Reference Bureau (LRB) may be better suited to evaluating potential legislative solutions based on its general grant of authority to conduct and provide research for the enactment of substantive legislation. See section 23G-3, HRS.

As such, the Department opposes this bill and recommends that the Legislature defer this bill or consider directing another agency more suited for this task to convene a working group or ask the LRB to conduct a study on the issue.

Thank you for the opportunity to provide comments.

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante Jr.
Managing Director

Merrick Nishimoto
Deputy Managing Director



Kehaulani M. Costa
Housing Administrator

Keiko M. Mercado
Assistant Housing Administrator

County of Hawai'i
Office of Housing and Community Development

1990 Kino'ole Street, Suite 102 • Hilo, Hawai'i 96720 • (808) 961-8379 • Fax (808) 961-8685
Existing Housing: (808) 959-4642 • Fax (808) 959-9308
Kona: (808) 323-4300 • Fax (808) 323-4301

April 1, 2025

TESTIMONY IN SUPPORT OF SENATE BILL 822, SD2, HD1
A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE
COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Hearing Date: Wednesday, April 2, 2025, at 2:00 PM

Place of Hearing: Conference Room 325 & Videoconference

Aloha Honorable Chairs Tarnas and Poepoe, and members of the Committee on Judiciary and Hawaiian Affairs,

On behalf of the County of Hawai'i Office of Housing and Community Development (OHCD), I am pleased to provide testimony in **support of Senate Bill 822, SD2, HD1**, which establishes a three-year Residential Landlord-Tenant Code Working Group to review and recommend updates to the Residential Landlord-Tenant Code.

This bill is particularly important to a Public Housing Agency, like the OHCD that administers over 2,300 rental subsidy vouchers, because it directly addresses issues related to rental housing availability, landlord-tenant relationships, and the legal framework governing them.

A clearer and more predictable legal environment would encourage more landlords to participate in rental assistance programs, increasing the availability of affordable rental units for voucher holders. Additionally, the proposed working group could identify best practices and solutions to address the challenges landlords face in renting to tenants with subsidies, further enhancing the PHA's ability to meet its goals.

Thank you for the opportunity to provide testimony in support of SB822, SD2, HD1.

Mahalo,

Kehaulani M. Costa
Housing Administrator



April 2, 2025

The Honorable David A. Tarnas, Chair

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

RE: Senate Bill 822, SD2, HD1, Relating to the Landlord Tenant Code

HEARING: Wednesday, April 2, 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 **strongly supports and offers amendments** to Senate Bill 822, SD2, HD1, which establishes a three-year Residential Landlord-Tenant Code Working Group within the Department of the Attorney General. Requires an initial report to the Legislature prior to the Regular Session of 2026 and a final report no later than 7/1/2028. Effective 7/1/3000.

With 38.2%¹ of Hawai'i residents renting their homes, rental housing is a crucial part of the state's housing market. The Residential Landlord-Tenant Code has not undergone a comprehensive review since its creation in 1972. As rental laws grow more complex, both property owners and tenants face challenges in navigating it, from lengthy eviction processes to unclear tenant protections.

Tenants struggling to make ends meet may face uncertainty about their options and available protections. On the other hand, if a housing provider has a tenant who is not paying rent or violating other provisions of a rental agreement, they must go through a lengthy and time-consuming court process to seek remedy. This could discourage property owners from offering or continuing to offer their properties as rental housing. Establishing a Working Group could help explore possible solutions such as early mediation and alternative dispute resolution methods that are more accessible to tenants, promoting fair and efficient conflict resolution between renters and housing providers.

A large number of housing providers in Hawai'i are mom-and-pop landlords who are not professional property managers and are without regular access to education on the continuously evolving requirements of the Residential Landlord-Tenant Code leading to additional confusion. The Working Group could examine ways to improve tenant and mom-and-pop landlord education and expand access to critical resources, such as legal aid and rental assistance programs. Exploring these options and more could help

¹ UHERO. (May 20, 2024). *The Hawai'i Housing Factbook*. <https://uhero.hawaii.edu/wp-content/uploads/2024/05/HawaiiHousingFactbook2024.pdf>

tenants maintain stable housing while providing housing providers with a clearer framework for resolving disputes amicably.

We commend the legislature for its leadership on this issue and respectfully request the following amendments to replace the Attorney General with the Judiciary as the Judiciary has agreed to lead the Working Group, as well as other conforming amendments.

Mahalo for the opportunity to provide testimony on this measure.

Suggested Amendment to Page 2, lines 12-14:

SECTION 2. (a) There is established a three-year residential landlord-tenant code working group within the ~~department of the attorney general~~ Judiciary to:

Suggested Amendment to Page 3, line 8 to Page 5, line 2

(b) The working group shall consist of the following members:

- (1) ~~The attorney general, or the attorney general's designee, The chief justice of the Hawaii supreme court, or the chief justice's designee,~~ who shall serve as chairperson of the working group;
- (2) The president of the senate, or the president's designee;
- (3) The speaker of the house of representatives, or the speaker's designee;
- ~~(4) A representative from the judiciary with experience in landlord-tenant cases;~~
- (5) An attorney specializing in landlord-tenant laws, to be invited by the chairperson;
- (6) One member who owns and manages a property, but is not a real estate licensee, to be invited by the chairperson;
- (7) Two members from organizations representing professional property managers, to be invited as follows:
 - (A) One member to be invited by the president of the senate, or the president's designee; and
 - (B) One member to be invited by the speaker of the house of representatives, or the speaker's designee;
- (8) Two members from organizations representing tenant concerns, to be invited as follows:
 - (A) One member to be invited by the president of the senate, or the president's designee; and

- (B) One member to be invited by the speaker of the house of representatives, or the speaker's designee; and
- (98) Any other member deemed necessary by the working group who provides the appropriate special expertise, including representatives from organizations with experience in landlord or tenant issues, upon approval by the chairperson.

Suggested Amendment to Page 6, line 1

SECTION 4. This Act shall take effect on ~~July 1, 2000~~ upon approval.



HAWAII WORKERS CENTER

(503) WORKERS ☎

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

Defending and Respecting the workers of
Hawaii'i

hawaiiworkerscenter@gmail.com ✉
Mail: 2252 Puna St., Honolulu, HI 96817 ✉
hawaiiworkerscenter.org 🌐

April 1, 2025

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Hawaii State House of Representatives
Committee on Judiciary and Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

RE: SUPPORT for S.B 822 SD2 HD1 RELATING TO THE LANDLORD TENANT CODE

Dear Chair Rep. Tarnas, Vice Chair Rep. Poepoe, and members of the Committee on Judiciary and Hawaiian Affairs:

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 support of S.B 822 SD2 HD1 which establishes a three-year Residential Landlord-Tenant Code Working Group within the Department of the Attorney General.

This bill is of particular interest to our organization and our project, the Maui Tenants & Workers Association which organizes and empowers lower wage tenants on Maui for their housing needs. In our experience, the current landlord-tenant code weighs heavily in favor of landlords who often have access to legal representation and resources. This working group should provide an objective review and balanced recommendations on how to improve the landlord tenant code that is fair for both renters and landlords.

Thank you for your consideration and willingness to support this important measure.

Sincerely,

Sergio Alcubilla
Executive Director