



LATE

The Judiciary, State of Hawai'i

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

Committee on Commerce and Consumer Protection

Senator Jarrett Keohokaoale, Chair

Senator Carol Fukunaga, Vice Chair

Tuesday, February 4, 2025 at 9:35 a.m.
Conference Room 229 & Videoconference

By:

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

Bill No. and Title: Senate Bill No. 822 – Relating to Landlord Tenant Code

Purpose: Authorizes a landlord to petition a district court for a temporary restraining order, permanent restraining order, or injunction to compel a tenant's compliance with section 521-51, Hawaii Revised Statutes.

Judiciary's Position:

The Judiciary takes NO POSITION regarding the intent of the bill. However, we offer the following comments:

The process set forth in Section 1, as new language to be designated as Hawaii Revised Statutes (HRS) §521-69(a)(3)(A-L) may cause confusion. The Judiciary would suggest that an injunction order be a separately filed action distinct and apart from a summary possession proceeding.

The Judiciary prioritizes requests for injunctions such as temporary restraining orders (TRO) under HRS 604-10.5 or a tenant Utility Shut Off/Lock Out Injunction, with hearings scheduled daily in most Circuits. However, a summary possession case must be filed in the division in which the property is located. District Courts in the Second, Third and Fifth Circuits respectfully and the rural courts in the First Circuit may only hold a summary possession returnable once a week in some divisions or once a month.

Further, as most complaints for summary possession are electronically filed court staff would have to conduct a manual review of every summary possession complaint to determine if the complaint includes a request for an injunction. Absent a mechanism that would allow for such a filing to be identified systematically, the manual review would be extremely burdensome for court staff to effectively track and process. The Judiciary would need time for the Judiciary Information Technology Department (ITSD) to evaluate the system to determine if the case management system could be designed, modified and tested to address what otherwise would be an ineffective process. An appropriation may be needed if a modification to the case management system is necessary.

Therefore, the Judiciary would request an effective date of January 1, 2027 or later.

Thank you for the opportunity to testify on this measure.

HONOLULU POLICE DEPARTMENT
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February 4, 2025

LATE

Senator Jarrett Keohokalole, Chair
and Members
Committee on Commerce and
Consumer Protection
State Senate
415 South Beretania Street, Room 229
Honolulu, Hawai'i 96813

Dear Chair Keohokalole and Members:

SUBJECT: Senate Bill No. 822, Relating to the Landlord Tenant Code

I am Major Stason Tanaka of District 7 (East Honolulu), Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 822, Relating to the Landlord Tenant Code. Landlord-tenant disputes have historically been considered civil in nature and are therefore adjudicated in civil court. In contrast, restraining orders historically revolved around criminal violations and are granted to safeguard the petitioner from physical harm.

Allowing restraining orders to be based upon a tenant's noncompliance with Hawai'i Revised Statutes Section 521-51, Tenant to Maintain Dwelling Unit, would unnecessarily subject individuals to restraining orders for noncriminal acts, for example, but not limited to, the improper disposal of one's rubbish or the improper use of household appliances and furniture.

The HPD recommends that landlord-tenant disputes continue to be considered civil in nature and not become a basis for restraining orders as there are already procedures in place that landlords can take in situations in which tenants do not comply with their contractual obligations.

The Honorable Jarrett Keohokalole, Chair
and Members
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The HPD urges you to oppose Senate Bill No. 822, Relating to the Landlord
Tenant Code.

Thank you for the opportunity to testify.

Sincerely,


Stason Tanaka, Major
District 7

APPROVED:



Arthur J. Logan
Chief of Police

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February 9, 2023

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

LATE

RE: SB822

Dear Senators,

I am writing in support of SB822. I am an attorney and have practiced landlord-tenant law for over 30 years.

This legislation will provide the Courts more tools to protect tenants, housing providers, and the general public from bad actors who occupy rental housing.

There are many instances where tenants violate rules and laws relating to their tenancy. These violations can impact the community in which the tenant lives. The violations can range from the minor - such as continuous noise violations, or smoking in a non-smoking building - to major, such as storing illegal fireworks or threatening to kill neighbors. Such violations impact the health, safety, and quality of life of everyone who suffers the consequences of the violations.

Presently, the only option a landlord has to end the violations is to bring an eviction lawsuit against the violating tenant. Even if a Court is convinced that the situation is dangerous, the Court has no statutory tool to stop the bad behavior until the eviction case is completed.

Currently, eviction lawsuits typically take two to three months to resolve, but sometimes take longer. During that time the bad behavior can continue without control. In one instance, I filed an eviction lawsuit against a tenant who had made multiple threats to kill elderly women living nearby and the lawsuit took eight months to resolve because the Court's calendar was full. While I was able to eventually get the Court to evict the tenant, during the eight-month time he continued to violate the rules and continued to threaten to kill elderly female residents.

The proposed legislation would allow the District Court to enjoin bad behavior while the eviction lawsuit works its way through the courts. The legislation is modeled after HRS 604-10.5 which authorizes the District Courts to enjoin harassment. Since the District Courts already have exclusive jurisdiction over residential landlord/tenant matters, and have experience with issuing injunctions to prevent bad behavior, this proposed legislation fits the District Court's skill sets.

With this legislation, the Courts could - for example - order a tenant not to threaten other tenants, to get rid of illegal fireworks, to stop smoking in prohibited locations, or to stop making

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(RE: SB822)

loud noise during quiet hours. This will allow the Courts to better protect people and property in our community.

Please let me know if you have any questions.

Very truly yours,

/s/ David W. H. Chee

David W. H. Chee