

MAR 10 2023

SENATE RESOLUTION

REQUESTING THE JUDICIARY TO EXAMINE THE FREQUENCY OF COMPLAINTS FOR SUMMARY POSSESSION THAT ARE GRANTED IN FAVOR OF THE LANDLORD WHEN THE LANDLORD IS REPRESENTED BY COUNSEL AND THE TENANT IS ACTING PRO SE.

1 WHEREAS, Hawaii is entrenched in a housing crisis that
2 severely limits affordable housing options and pushes many into
3 poverty, crushing debt, and homelessness; and
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5 WHEREAS, chronic homelessness is an epidemic in the State,
6 which currently is experiencing the second-highest rate of
7 homelessness in the country; and
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9 WHEREAS, kupuna are disproportionately affected by
10 evictions and homelessness, as it is estimated that
11 approximately one-third of the tenants that were evicted in 2022
12 are kupuna and that one-half of people currently without
13 permanent housing statewide are kupuna aged fifty-five years or
14 older; and
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16 WHEREAS, Native Hawaiians are also disproportionately
17 affected by evictions and homelessness, forcing many families
18 who have called Hawaii home for centuries to have to leave the
19 islands or move onto the streets; and
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21 WHEREAS, the median price of renting a home in Hawaii
22 increased thirteen percent since the beginning of the
23 coronavirus disease 2019 pandemic, with some communities seeing
24 the price of rent surge as high as forty percent in one year;
25 and
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27 WHEREAS, although hundreds of tenants are legally evicted
28 each month throughout the State, the true number of tenants that
29 are forced out of their homes each month is unknown, as not many
30 eviction cases are being filed; and
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32 WHEREAS, there is a substantial power imbalance between
33 landlords and tenants because landlords have the authority to
34 dictate the living situation of their tenants; there are no



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1 statutory restrictions on the amount that landlords can increase
2 rent prices; and landlords usually have more financial
3 resources, allowing them greater access to legal counsel; and
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5 WHEREAS, evicted tenants often are already subject to
6 significant financial restraints, which not only makes retaining
7 legal counsel on short notice for these tenants unduly
8 burdensome, but often leads to these tenants having to represent
9 themselves pro se; and
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11 WHEREAS, this discrepancy in legal representation can yield
12 predatory or even abusive results, with many evicted tenants
13 reporting bullying or harassment from their landlords' legal
14 counsel; and
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16 WHEREAS, especially given the current housing crisis, it is
17 in the State's best interest to minimize the risk of abuse to
18 evicted tenants and protect them from further economic and
19 mental duress; and
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21 WHEREAS, it is therefore necessary to understand any
22 disparity in representation between the landlords and evicted
23 tenants who are parties to actions for summary possession
24 through an audit of the proceedings; now, therefore,
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26 BE IT RESOLVED by the Senate of the Thirty-second
27 Legislature of the State of Hawaii, Regular Session of 2023,
28 that the Judiciary is requested to examine the frequency of
29 complaints for summary possession that result in judgement in
30 favor of the landlord when the landlord is represented by
31 counsel and the tenant is acting pro se; and
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33 BE IT FURTHER RESOLVED that the Judiciary is requested to
34 submit a report of its findings to the Legislature no later than
35 twenty days prior to the convening of the Regular Session of
36 2024; and
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38 BE IT FURTHER RESOLVED that certified copies of this
39 Resolution be transmitted to the Chief Justice of the Hawaii



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1 Supreme Court, Administrative Director of the Courts, and Deputy
2 Administrative Director of the Courts.

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OFFERED BY: 

