

STAND. COM. REP. NO. 1621

Honolulu, Hawaii

APR 04 2023

RE: S.C.R. No. 78
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.C.R. No. 78 entitled:

"SENATE CONCURRENT 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,"

begs leave to report as follows:

The purpose and intent of this measure is to request 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.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that there is a substantial power imbalance between landlords and tenants because landlords have the authority to dictate the living situation of their tenants; there are no statutory restrictions on the amount that landlords can increase rent prices; and landlords usually have more financial resources, allowing them greater access to legal counsel. Evicted tenants often are already subject to significant financial restraints, which not only makes retaining legal counsel on short notice for these tenants unduly burdensome, but often leads to



these tenants having to represent themselves pro se. Your Committee further finds that it is in the State's best interest to minimize the risk of abuse to evicted tenants and protect them from further economic and mental duress. This measure will request the Judiciary to examine the disparity in representation between landlords and evicted tenants so that possible solutions may be identified to help assist evicted tenants.

Your Committee has amended this measure by:

- (1) Amending its title in accordance with its amended purpose;
- (2) Specifying that the Judiciary is requested to examine the frequency of motions for summary judgment, in addition to complaints for summary possession, that result in a judgment in favor of the landlord when the landlord is represented by counsel and the tenant is acting pro se;
- (3) Changing the number of days for the Judiciary to submit a report to the Legislature from twenty days to forty days; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 78, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 78, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SCR 78	Committee Referral: JDC	Date: 3/23/23
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.			✓	✓
AWA, Brenton			✓	
TOTAL	3	—	1	1

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes