
A BILL FOR AN ACT

RELATING TO LANDLORD-TENANT DISPUTES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that stable housing
2 yields a multitude of opportunities and stronger outcomes for
3 children, youth, and adults. Young people are more vulnerable
4 to mental health problems, developmental delays, and poor
5 cognitive outcomes because of housing instability. In contrast,
6 housing stability improves educational outcomes by reducing the
7 likelihood of repeating a grade and dropping out of school.

8 The legislature further finds that while rentals satisfy
9 Hawaii residents' need for stable housing, tenants have very
10 little support when facing eviction in the State. In the 2018
11 report, "Evicted in Hawai'i: Lives Hanging in the Balance",
12 Lawyers for Equal Justice found that approximately seventy per
13 cent of landlords are represented by counsel in eviction
14 proceedings, whereas five per cent of tenants are represented.
15 This disparity in representation results in eighty-five to
16 ninety-five per cent of eviction cases resulting in the eviction
17 of the tenant.



1 Additionally, the legislature finds that representation in
2 eviction proceedings can increase the likelihood for a tenant to
3 remain in the home. Research suggests that tenants who are
4 represented in eviction proceedings are six to ten times more
5 likely to remain in the home. In New York City, where low-
6 income tenants have full and free access to counsel in eviction
7 proceedings, eighty-six per cent of represented tenants were
8 able to remain in their homes.

9 The legislature also finds that access to representation
10 may be substantially increased by permitting lay persons to
11 advocate for tenants in court. Under existing state law,
12 landlords may be represented by property managers. However,
13 there is no corresponding right to lay advocacy for tenants.
14 The legislature notes that in February 2021, a tenant-advocate
15 pilot project was established by the Hawaii supreme court to
16 assist self-represented litigants in landlord-tenant disputes,
17 but this project is currently limited to the first circuit.

18 Accordingly, the purpose of this Act is to increase access
19 to representation for residential tenants in actions or
20 proceedings for possession by:



- 1 (1) Providing for state-funded access to legal services
- 2 for residential tenants;
- 3 (2) Authorizing attorneys, paralegals, and law students to
- 4 provide the legal services; and
- 5 (3) Appropriating funds to the judiciary to contract with
- 6 legal service organizations or clinical training
- 7 programs to carry out this purpose.

8 SECTION 2. Chapter 666, Hawaii Revised Statutes, is
 9 amended by adding a new section to be appropriately designated
 10 and to read as follows:

11 "§666- Access to representation; representation by
 12 whom; no private right of action. (a) Subject to the
 13 availability and appropriation of funds for the purposes of this
 14 section, the judiciary shall contract with designated
 15 organizations for the provision of legal services to residential
 16 tenants in any action or proceeding for possession as follows:

- 17 (1) For eligible residential tenants, access to full legal
- 18 representation upon the filing of an action or
- 19 proceeding for possession, or as soon thereafter as is
- 20 practicable, which shall be maintained from the
- 21 initial filing through termination of the action or



1 proceeding; provided that if full legal representation
2 is unavailable, then access to day-of-court
3 representation on the day of the first court hearing
4 shall be provided; and

5 (2) For a residential tenant who does not meet the
6 definition of an eligible residential tenant under
7 this section, access to limited pro-bono assistance
8 upon the filing of an action or proceeding for
9 possession, or as soon thereafter as is practicable.

10 Legal services rendered pursuant to this section shall be
11 at no cost to the tenant.

12 (b) The legal services rendered by designated
13 organizations pursuant to subsection (a) may be provided by:

14 (1) Attorneys;

15 (2) Paralegals; or

16 (3) Law students;

17 provided that paralegals and law students shall be under the
18 general supervision of an attorney employed with or contracted
19 by the designated organization.

20 (c) Notwithstanding any provision of law requiring the
21 licensure of persons practicing in any court, the persons listed



1 under subsection (b) may appear on behalf of residential tenants
2 in district court.

3 (d) Nothing in this section or the administration or
4 application of this section shall be construed to create a
5 private right of action on the part of any person or entity
6 against the judiciary or State.

7 (e) For purposes of this section:

8 "Day-of-court representation" means the provision of legal
9 services provided by a designated organization on the day of a
10 court hearing and does not include pre-trial preparation.

11 "Designated organization" means a nonprofit organization or
12 association or clinical training program that has the capacity
13 to provide legal services and is designated by the judiciary
14 pursuant to this section.

15 "Eligible residential tenant" means any individual who
16 occupies a dwelling in the State under a claim-of-right other
17 than the owner whose household earns at or below two hundred
18 fifty per cent of the applicable federal poverty level for
19 Hawaii. "Eligible residential tenant" does not include any
20 individual who owns property in the circuit in which the action
21 or proceeding for possession was filed, or any individual whose



1 annual gross household income is more than two hundred fifty per
2 cent of the applicable federal poverty level for Hawaii.

3 "Full legal representation" means ongoing legal
4 representation provided by a designated organization to an
5 eligible residential tenant and all legal advice, advocacy, and
6 assistance associated with the representation. "Full legal
7 representation" includes the filing of a notice of appearance on
8 behalf of the eligible residential tenant in an action or
9 proceeding for possession, pre-trial counsel, court
10 representation, and negotiations.

11 "General supervision" includes paralegals and law students
12 appearing on behalf of tenants in court without the physical
13 presence of the supervising attorney.

14 "Limited pro-bono assistance" means the provision of basic
15 legal advice and assistance with document preparation provided
16 by a designated organization and does not include in-court
17 representation."

18 SECTION 3. Section 605-2, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§605-2 Attorneys; license required.** Except as provided
21 by the rules of court, no person shall be allowed to practice in



1 any court of the State unless that person has been duly licensed
 2 [~~se~~] to do so by the supreme court; provided that nothing in
 3 this chapter shall prevent any person, plaintiff, defendant, or
 4 accused, from appearing in person before any court, and there
 5 prosecuting or defending that person's, plaintiff's,
 6 defendant's, or accused's own cause, without the aid of legal
 7 counsel; provided further that in the district courts sections
 8 605-13 [~~and~~], 633-28, and 666-_____ shall apply."

9 SECTION 4. There is appropriated out of the general
 10 revenues of the State of Hawaii the sum of \$ _____ or so
 11 much thereof as may be necessary for fiscal year 2025-2026 and
 12 the same sum or so much thereof as may be necessary for fiscal
 13 year 2026-2027 for the judiciary to contract for the
 14 representation services required by this Act.

15 The sums appropriated shall be expended by the judiciary
 16 for the purposes of this Act.

17 SECTION 5. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Landlord; Tenant; Legal Services; Income Eligibility; Access to Representation; Judiciary; Appropriation

Description:

Requires the Judiciary to contract for legal services for residential tenants in actions or proceedings for possession under certain circumstances. Authorizes attorneys, paralegals, and law students to provide legal services to residential tenants. Appropriates funds. Effective 7/1/3000. (HD1)

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