

STAND. COM. REP. NO.

677

Honolulu, Hawaii

FEB 14 , 2025

RE: H.B. No. 463
H.D. 2

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 463, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EVICTION RECORDS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the immediate sealing of court records for eviction proceedings if the final resolution does not result in a judgment for possession in favor of the landlord or the parties agree to seal the records;
- (2) Allow for the sealing of eviction records upon the motion of a residential tenant in certain circumstances; and
- (3) Prohibit discrimination in real property transactions based on the actual knowledge or belief that a person has a sealed eviction record.

Your Committee received testimony in support of this measure from Lāhainā Strong; Medical-Legal Partnership for Children in Hawai'i; Hawaii Appleseed Center for Law & Economic Justice; Hawai'i Workers Center; Maui Housing Hui; and four individuals. Your Committee received testimony in opposition to this measure

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from the Public First Law Center. Your Committee received comments on this measure from the Judiciary and Hawai'i Association of REALTORS.

Your Committee finds that without stable housing, persons struggle to maintain employment or a child's education, and it may affect their health. Your Committee further finds that landlords use the existence of eviction proceedings against prospective tenants, regardless of the outcome of those proceedings, including when the tenant prevails or the landlord dismisses the action. This measure promotes stable housing by requiring or allowing the sealing of eviction records in certain circumstances and prohibiting discrimination against persons who have sealed eviction records.

Your Committee notes the suggestion raised in testimony by the Public First Law Center that, rather than sealing eviction court records, an eviction case should instead be disassociated from the name of the tenant, which would continue to allow the public to freely access public court records while still protecting tenants who may have had baseless complaints filed against them. However, your Committee notes that additional testimony will be needed to determine if disassociating eviction cases from a tenant's name would be practical or feasible.

Your Committee has amended this measure by:

- (1) Requiring the courts to make a good faith and diligent effort to seal all court records within a reasonable time, rather than immediately; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 463, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.B. No. 463, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



SCOT Z. MATAYOSHI, Chair

