
A BILL FOR AN ACT

RELATING TO EVICTION RECORDS.

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

1 SECTION 1. The legislature finds that evictions are costly
2 and disruptive for landlords and residential tenants and may
3 also have severe and long-lasting impacts on residential
4 tenants. Once evicted, tenants must find a new residence, pay
5 moving expenses, suffer damage to their credit scores, and bear
6 other costs, including rental application fees and security
7 deposits, and even costs borne by the landlord during the
8 eviction process.

9 The legislature further finds that the simple filing of
10 eviction proceedings against a residential tenant, even when
11 those proceedings are meritless, can create a long-term barrier
12 to accessing housing because eviction records are created the
13 moment a landlord files a complaint with the court. Thus, even
14 if the court does not find for the landlord or the landlord
15 withdraws the complaint, the eviction filing remains on the
16 tenant's record. Companies that screen residential tenants
17 collect and sell this information and the companies' data



1 collection methods typically include any person named as a
2 defendant in an eviction proceeding. Landlords screen against
3 prospective residential tenants who have had any eviction action
4 initiated against them without regard to outcome. This process
5 disempowers residential tenants who may have legitimate disputes
6 with their landlords because eviction filings can be used to
7 pressure tenants to vacate a residence.

8 Accordingly, the purpose of this Act is to:

- 9 (1) Require the judiciary to conduct a study of its
10 ability and best approaches to disassociate certain
11 parties from eviction cases and the various issues and
12 potential impacts of requiring the court to
13 disassociate a residential tenant from an eviction
14 proceeding brought by a landlord in certain
15 circumstances;
- 16 (2) Submit a report to the legislature; and
- 17 (3) Appropriate funds.

18 SECTION 2. (a) The judiciary shall conduct a study of its
19 ability and best approaches to disassociate a residential tenant
20 from an eviction proceeding brought by a landlord as provided



1 herein, and the various issues and impacts that could result
2 from the disassociations. The study shall include:

3 (1) The possibility of implementing a feature that would
4 require the judiciary to, within a reasonable amount
5 of time, disassociate a residential tenant from a
6 legal proceeding brought by a landlord to evict the
7 tenant if:

8 (A) The final resolution of an eviction proceeding
9 does not result in a judgment or possession in
10 favor of the landlord, including instances in
11 which a case was dismissed for any reason;

12 (B) All parties agree to the disassociation,
13 regardless of the final disposition of the claim;
14 or

15 (C) Upon motion by the tenant if the tenant
16 demonstrates by a preponderance of the evidence
17 that:

18 (i) The judgment in favor of the landlord is for
19 an amount of \$500 or less;

20 (ii) The residential tenant was evicted from a
21 unit under any low-income federal housing



- 1 choice voucher program or state low-income
2 rent supplement program;
- 3 (iii) The landlord brought an action for summary
4 possession in violation of federal law
5 following an incident pertaining to domestic
6 violence, dating violence, sexual assault,
7 or stalking;
- 8 (iv) The landlord committed a discriminatory
9 practice under chapter 515, Hawaii Revised
10 Statutes, against the residential tenant and
11 sought to recover possession of the rented
12 premises in response to the residential
13 tenant filing a complaint against unlawful
14 discrimination with the civil rights
15 commission;
- 16 (v) The landlord violated section 521-39,
17 521-74(a), or 521-74.5, Hawaii Revised
18 Statutes;
- 19 (vi) The parties entered into a settlement
20 agreement that did not result in the



1 landlord recovering possession of the rented
2 premises; or
3 (vii) The court determines that there are other
4 grounds justifying the requested relief;
5 (2) A determination of whether the judiciary information
6 management system can be programmed to complete the
7 disassociations described in paragraph (1);
8 (3) An assessment of how this programming may impact other
9 system functions and processes, including whether the
10 programming can be designed to differentiate between a
11 residential and commercial summary possession case
12 type;
13 (4) Additional findings to determine whether a
14 modification to the judiciary information management
15 system would only be applied prospectively and not
16 retroactively; and
17 (5) Any other issues that the judiciary may deem necessary
18 or relevant to the study.
19 (b) The judiciary shall submit a report of its findings
20 and recommendations, including any proposed legislation, to the



1 legislature no later than twenty days prior to the convening of
2 the regular session of 2027.

3 (c) For the purposes of this section, "disassociate" means
4 to remove a residential tenant's name from the judiciary's
5 publicly accessible electronic databases to ensure that the
6 legal proceeding cannot be accessed online by the tenant's name.

7 SECTION 3. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2026-2027 for
10 the judiciary to conduct a study pursuant to section 2 of this
11 Act.

12 The sum appropriated shall be expended by the judiciary for
13 the purposes of this Act.

14 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Judiciary; Eviction Records; Disassociations; Study; Report; Appropriation

Description:

Requires the Judiciary to conduct a study to determine the ability, best approaches, various issues, and potential impacts of requiring courts to disassociate a residential tenant from an eviction proceeding brought by a landlord in certain circumstances. Requires a report to the Legislature. Appropriates funds. Effective 7/1/3000. (SD2)

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