

LATE

Testimony of the Hawai'i Real Estate Commission

Before the
Senate Committee on Commerce and Consumer Protection
Tuesday, February 3, 2026
9:31 a.m.
Via Videoconference

LATE

**On the following measure:
S.B. 2806, RELATING TO LICENSING**

Chair Keohokalole and Members of the Committee:

My name is Derrick Yamane, and I am the Chairperson of the Hawai'i Real Estate Commission ("Commission"). The Commission supports this bill.

The purpose of this bill prohibits real estate brokers from listing or offering the sale or lease of residential real estate to a limited or exclusive group of prospective buyers, real estate brokers, or real estate salespersons, with limited exceptions.

As this measure furthers the Commission's statutory obligation to protect the general public in its real estate transactions through mandating licensees to market a property to the general public at large and not a select few, the Commission supports this bill.

Thank you for the opportunity to testify.

February 3, 2026

The Honorable Jarrett Keohokalole, Chair

Senate Committee on Commerce and Consumer Protection
State Capitol, Conference Room 229 & Videoconference

RE: Senate Bill 2806, Relating to Real Estate

HEARING: Tuesday, February 3, 2026, at 9:31 a.m.

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR **supports the intent** of Senate Bill 2806, which prohibits real estate brokers from listing or offering the sale or lease of residential real estate to a limited or exclusive group of prospective buyers, real estate brokers, or real estate salespersons, with limited exceptions. Deems the practice an unfair or deceptive trade or practice subject to penalties and grounds for discipline.

In most cases, sellers want their homes marketed to the widest possible audience through the Multiple Listing Service ("MLS"). However, some sellers, such as public figures or those seeking privacy for various reasons including health and safety may prefer to keep their listing limited.

Current MLS policy tries to address this balance. Under the National Association of REALTORS® Clear Cooperation Policy¹, listings must generally be submitted to the MLS within one business day of marketing. If a seller chooses privacy, an "office exclusive" listing may be filed with the MLS but not publicly distributed.

In 2025, an additional policy² was adopted to expand consumer choice by giving sellers and their agents more options and choice when marketing a property, while also supporting fair housing by providing buyers and their agents with equal access to important MLS property information. This policy allows for delayed public marketing, provided the listing remains visible to other MLS participants. Importantly, sellers must give informed, written consent acknowledging they are waiving immediate public marketing.

Hawai'i REALTORS® supports policies that promote transparency, consumer choice, and fair housing. We appreciate the opportunity to be part of the ongoing conversation on this issue. Mahalo for the opportunity to testify.

¹ National Association of REALTORS. (n.d.) MLS Clear Cooperation Policy. <https://www.nar.realtor/about-nar/policies/mls-clear-cooperation-policy>

² National Association of REALTORS. (n.d.) Multiple Listing Options for Sellers. <https://www.nar.realtor/about-nar/policies/multiple-listing-options-for-sellers>