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## Testimony of the Department of Commerce and Consumer Affairs

Before the  
House Committee on Consumer Protection & Commerce  
Tuesday, February 10, 2026  
2:00 p.m.  
Via Videoconference  
Room 329

On the following measure:  
**H.B. 2188, RELATING TO HOUSING**

Chair Matayoshi and Members of the Committee:

My name is Emma Olsen, and I am an Enforcement Attorney at the Department of Commerce and Consumer Affairs' (Department) Office of Consumer Protection (OCP). The Department supports this bill and offers comments.

The purpose of this bill is to reduce fees associated with rental housing costs that increase the price of rental housing. The bill requires landlords to inform rental applicants of their right to provide a comprehensive reusable screening report. If the applicant provides a reusable screening report within 30 days, the landlord may not charge an application fee. If the landlord initiates the reusable screening report, the landlord may charge the applicant only for the actual cost of obtaining it.

We support this measure as it aligns with the Administration's housing priorities and vision for reducing the cost of living in Hawaii by reducing fees for rental housing. While many landlords accept that the costs of background checks are a cost of doing

business, others pass on those costs to prospective renters. Currently, renters often spend hundreds of dollars on screening fees when looking for housing. This burden falls hardest on low-income renters, kūpuna on fixed incomes, and families experiencing housing instability, effectively preventing them from widely applying for rental units.

Allowing reusable tenant screening reports enhances fairness, reduces duplicative costs, and promotes equity in the rental market. Similar laws have been successful in other jurisdictions. In 2023, Colorado passed the Rental Application Fairness Act, which requires landlords to accept portable tenant screening reports and provides enforceable remedies for violations. Landlords there are liable for \$2,500 plus court costs and attorneys' fees, or a \$50 penalty if the violation is cured within seven calendar days of receiving notice.

As currently drafted, this bill requires private enforcement by renters or prospective renters who are intended to be protected by the law. Provisions that allow plaintiffs in seeking to recover damages, court costs, and attorneys' fees would incentivize enforcement. Otherwise, renters and prospective renters may continue to be at a disadvantage and continue to struggle to protect their lawful rights without an attorney. Some have expressed concern that reusable tenant screening reports could be manipulated or altered by applicants, but these concerns are belied by the current practices of landlords. Landlords and their agents across the industry rely on the tenant screening reports from the same tenant screening companies that this bill empowers to provide tenants with their screening reports. This measure contains clear safeguards to ensure the trustworthiness and integrity of these reports and are the same standard that landlords and their agents procure on their own: A comprehensive reusable tenant screening report must be prepared within the previous thirty days by a consumer reporting agency that complies with all state and federal consumer reporting laws. These strict requirements prevent tampering and ensure data accuracy.

Major rental housing platforms such as Zillow give prospective renters the option to search for rental properties on their platform where the landlord has agreed to accept reusable tenant reports, and a growing number of Hawai'i landlords have opted to not only accept the comprehensive tenant screening report but advertise on the platform that

they accept them.

This bill aligns with the direction of the screening industry and with statewide housing affordability goals for reducing unnecessary financial barriers for renters without undermining responsible tenant screening.

We respectfully request that the Committee pass this bill and request the following language be added to the bill:

“Notwithstanding any other law to the contrary, a plaintiff who prevails in an action for a violation of this section shall be awarded a sum not less than \$1,000 or threefold damages by the plaintiff sustained, whichever sum is the greater, and reasonable attorney's fees together with the costs of suit.”

Thank you for the opportunity to testify on this bill.



**LATE**

**‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai**

**HOUSE BILL 2188**

RELATING TO HOUSING

Ke Kōmike Hale o ka Ho‘omalua Mea Kemu a me ka ‘Oihana Kālepa  
(House Committee on Consumer Protection & Commerce)

Hawai‘i State Capitol

Pepeluali 10<sup>th</sup>, 2026

2:00pm

Lumi 329

Aloha e Chair Matayoshi, Vice Chair Grandinetti, and Members of the Committee on Consumer Protection & Commerce:

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB2188 which establishes the Hawai‘i Tenant Screening Fairness Act and requires landlords and their agents to accept comprehensive reusable tenant screening reports from applicants.

OHA supports this bill because it reduces unnecessary financial barriers that prevent low-income households and Native Hawaiian families from accessing safe and stable rental housing. Housing affordability and access remain among the most significant challenges facing Native Hawaiians today. Native Hawaiian households continue to experience disproportionate rates of housing cost burden, overcrowding, and homelessness. Policies that remove structural barriers to housing access are critical to advancing housing stability and long-term community well-being.

Currently, prospective renters in Hawai‘i often must submit multiple rental applications simultaneously due to extremely limited housing availability. Each application can require a screening fee, creating cumulative costs that can quickly reach hundreds of dollars during a single housing search. These costs disproportionately impact households already facing financial hardship, including families transitioning out of homelessness, young workforce households, kūpuna on fixed incomes, and Native Hawaiian renters.

This measure addresses these challenges by allowing applicants to purchase a single comprehensive reusable tenant screening report that can be shared with multiple

landlords for a defined period. This approach reduces duplicative fees while maintaining landlords' ability to obtain reliable screening information through trusted consumer reporting agencies. Importantly, this framework also allows applicants to review their screening information in advance, helping ensure accuracy and providing an opportunity to correct errors that could otherwise lead to unjust denials of housing.

Reducing unnecessary transaction costs in the rental application process is a practical, market-aligned step toward improving housing access without imposing significant fiscal costs to the State. This measure builds upon prior legislative efforts to regulate application screening fees and represents a logical next step in strengthening consumer protections in Hawai'i's rental housing market.

Stable housing is directly linked to improved health outcomes, educational stability for keiki, workforce participation, and overall economic security. For Native Hawaiian communities, housing stability is also closely tied to maintaining family networks, cultural connections, and intergenerational resilience. Policies that reduce barriers to housing access therefore produce benefits that extend far beyond individual households and strengthen community stability statewide.

OHA respectfully urges the Committee to pass HB2188.

Mahalo for the opportunity to testify.

**LATE**

February 10, 2026

**The Honorable Scot Z. Matayoshi, Chair**

House Committee on Consumer Protection & Commerce  
State Capitol, Conference Room 329 & Videoconference

**RE: House Bill 2188, Relating to Housing**

**HEARING: Tuesday, February 10, 2026, at 2:00 p.m.**

Aloha Chair Matayoshi, Vice Chair Grandinetti, 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 provides **comments** on House Bill 2188, which beginning 11/1/2026, requires landlords to accept comprehensive reusable tenant screening reports, if made available by an applicant, and prohibits application fees in such case.

The tenant screening process typically begins when the prospective tenant completes a rental application. Property managers manually review this information, and the screening process is not limited to just credit reports and criminal background checks. The entire screening process can also include reviewing eviction history, verifying employment, verifying personal references, and other records to properly vet tenants. Property managers are not just concerned about the ability for an applicant to pay rent, but also what kind of tenant the applicant will be.

It is important to highlight that this process is typically designated as confidential. The Fair Credit Reporting Act (FCRA)<sup>1</sup> strictly governs how the credit information/report is provided, stored, used, with whom it is shared, and how it is retained. Particularly, this measure could violate the FCRA by causing the property manager to receive the consumer screening report from someone other than a credit reporting agency, the receiver never controls the chain of custody, and they will not have the information they need to adequately issue an adverse action letter.

In 2025, the Legislature passed Senate Concurrent Resolution 123, HD1, which established a three-year Landlord-Tenant Working Group, of which Hawai'i REALTORS® and other key stakeholders are members. The Working Group is currently conducting a comprehensive review of the Residential Landlord-Tenant Code, and HAR believes the proposal in this measure would be an important topic for discussion by the Working Group, including both potential benefits and unintended consequences.

Mahalo for the opportunity to testify on this measure.

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<sup>1</sup> Federal Trade Commission. (May 2023). *Fair Credit Reporting Act*. [www.ftc.gov/legal-library/browse/statutes/fair-credit-reporting-act](http://www.ftc.gov/legal-library/browse/statutes/fair-credit-reporting-act)