



The Judiciary, State of Hawai‘i
Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

House Committee on Consumer Protection & Commerce
Representative Scot Z. Matayoshi, Chair
Representative Tina Nakada Grandinetti, Vice Chair

Thursday, February 5, 2026 at 2:00 p.m.
State Capitol, Conference Room 329

By

Michelle D. Acosta
Deputy Chief Court Administrator
District Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2227, Relating to Eviction Records.

Purpose: Limits public access to summary possession records on the Judiciary's publicly accessible electronic databases unless and until a writ of possession is issued.

Judiciary's Position:

The Judiciary offers the following comments.

Right of Public Access

The Hawai‘i Constitution provides through Article I, section 4, the right of public access. There is a long history of open public access to court proceedings and to court records. This bill appears to limit that right by prohibiting the Judiciary from making court records in any summary possession case available to the public on the Judiciary’s publicly accessible electronic database (eCourt Kokua) while the summary possession cases are pending and are actively being litigated.



Operational Considerations

The Judiciary Information Management System (JIMS) does not differentiate between a residential landlord tenant, commercial summary possession, or an ejectment case. The Judiciary would need sufficient time to develop and test the necessary code changes needed to temporarily limit public access to only ejectment cases.

The Judiciary Electronic Filing and Service System (JEFS) does not have a feature that would allow the filer to select the option to remove the case from public view for good reason: Court proceedings are intended to be open to the public. Court staff would have to manually identify ejectment cases at the time the complaint is filed and remove the case from the public view. Court staff would also need to then manually restore the case to public view when the writ of possession is filed.

Limiting public access would also mean that parties who are not JEFS users would be unable to monitor case filings online or update their case as access would be restricted; parties who fall in this category are almost always litigants who are not represented by attorneys. This would create a two-tiered system under which parties with legal representation would be able to access the case online through JEFS, whereas parties without legal representation would not be able to access the case online in eCourt Kokua (the Judiciary's publicly accessible electronic database) until and unless they were to affirmatively register for a JEFS account. Non-JEFS users would therefore need to physically go to the courthouse in person to access documents in their own cases and would need to contact the courts every single time they wanted to obtain any case information, including information about upcoming hearings. This could limit their ability to participate in their own eviction proceedings. The bill further impedes access to justice for parties who are in the process of retaining counsel or seeking assistance from legal service providers because the necessary court information would not be available online in eCourt Kokua for viewing by prospective attorneys and legal service providers. If a self-represented litigant were to succeed in retaining an attorney, staff would have to manually add the litigant's attorney to the case before the attorney would be able to access the case online, even though they may be a JEFS user.

If passed, the Judiciary requests a delayed effective date to allow time to properly research, assess, and develop the best approach for implementation. The Judiciary would also need to assess the resources needed to implement this measure should it pass.

Thank you for the opportunity to testify on this measure.



‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

HOUSE BILL HB2227

RELATING TO EVICTION RECORDS

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 5, 2026

2:00 PM

Lumi 329

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

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB2227. This bill addresses a critical and often overlooked barrier to housing stability.

Under current practice, eviction records are created and made publicly accessible at the time of filing, not at the time of judgment. There is long-term harm caused by publicly accessible eviction filings, regardless of whether an eviction is ultimately granted. The act of just the filing of a summary possession action without a judgment can permanently impair a tenant’s ability to secure housing. As the bill correctly notes, eviction filings are created at the moment a complaint is filed and are routinely collected and used by tenant-screening companies, even when cases are dismissed, withdrawn, or resolved in the tenant’s favor.

As a result, an allegation functions as a permanent penalty, undermining due process and creating a structural barrier to housing access. This practice disproportionately harms Native Hawaiians and other local families who are more likely to be renters and more likely to encounter short-term financial instability in Hawai‘i’s high-cost housing market. For Native Hawaiians and other local families already facing disproportionate housing instability, this practice exacerbates displacement, even in cases involving rent disputes, habitability issues, or improper filings. This creates leverage against tenants to vacate prematurely, undermining due process. Overall, this perpetuates cycles of housing insecurity, particularly for kūpuna, fixed-income households, and

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families barely making ends meet. Native Hawaiians are overrepresented among renters, cost-burdened households, and individuals experiencing homelessness, making them particularly vulnerable to eviction filings. In recent Point in time counts, Native Hawaiian comprise approximately 20-22% of Hawai'i's population yet represent roughly 39-45% of the State's homeless population.¹

This measure corrects that imbalance by aligning public access to eviction records with actual court outcomes. By limiting public electronic access to summary possession records unless and until a writ of possession is issued, the bill. This helps protect tenants from lifelong consequences based on unproven filings, reduces the coercive use of eviction filings as leverage, and preserves transparency and accountability when an eviction is actually ordered. This measure promotes fairness without eliminating court transparency. Landlords retain full access to the courts, and records become public once a writ of possession is issued, ensuring accountability where eviction is warranted, while preventing unproven filings from functioning as de facto blacklists. This bill appropriately distinguishes between allegations and adjudicated outcomes, aligning public access with actual findings of possession.

For these reasons OHA respectfully urges the Committee to **PASS** HB2227.

Mahalo for the opportunity to provide testimony.

¹ Hawai'i State Department of Human Services, Homeless Programs Office, *State of Hawai'i Point-in-Time (PIT) Count Reports (2023-2024)*



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 1259 A'ala Street, Suite 300
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February 5, 2026

The Honorable Scot Z. Matayoshi, Chair

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

RE: House Bill 2227, Relating to Eviction Records

HEARING: Thursday, February 5, 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 2227 which limits public access to summary possession records on the Judiciary's publicly accessible electronic databases unless and until a writ of possession is issued.

Court records are generally open to the public and maintaining access to court records ensures transparency and accountability in the process. In addition to allowing housing providers to review a tenant's full rental history, this access also enables tenants to check for any violations by housing providers.

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 issues addressed in this measure would be an important topic for discussion by the Working Group to ensure no unintended consequences.

Mahalo for the opportunity to provide testimony on this measure.





House Committee on Consumer Protection and Commerce
Honorable Scot Z. Matayoshi, Chair
Honorable Tina Nakada Grandinetti, Vice Chair

RE: Testimony with Comments on H.B. 2227, Relating to Eviction Records
Hearing: February 5, 2026 at 2:00 p.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to respectfully submit testimony with comments on H.B. 2227.

We do not take a position on the policy advanced by this measure. We opposed H.B. 463 (2025) on constitutional grounds. During the interim, we worked on a proposal to address those concerns. As written, we do not have First Amendment concerns about H.B. 2227.

The non-sealing approach taken by H.B. 2227 – which proposes to keep eviction records offline until entrance of a writ of possession – was recently approved in principle by the Hawai`i Supreme Court in *State v. Rogan*, 153 Haw. 233 (2025). There, the Court held that removing expunged records from the judiciary’s publicly accessible online database (eCourt Kokua) served the intent of the expungement law “without dulling the public’s constitutional right of access to judicial records.”

Thank you again for the opportunity to testify with comments on H.B. 2227.



Dina Shek
Honolulu, HI 96822

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COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Representative Scot Z. Matayoshi, Chair
Representative Tina Nakada Grandinetti, Vice Chair

Hearing Date: February 5, 2026 at 2:00pm (Room 329)

Re: SUPPORT for HB 2227, Relating to Eviction Records

Dear Committee Members,

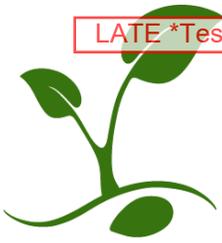
I offer this testimony in strong support of HB 2227 which would increase access to justice for tenants, especially those facing predatory landlords, retaliation, and substandard housing conditions. In my work as the Legal Director of the Medical-Legal Partnership for Children in Hawai‘i, we see numerous housing matters every year where tenants decline legal representation for legitimate and meritorious housing cases due to their fear of having an eviction case on their record. In these instances, the courts become a tool of intimidation rather than a system for justice. Vulnerable tenants should not feel intimidated from asserting their legal rights, and HB 2227 is an important step to expanding justice for Hawaii’s residents.

According to the [Low Income Housing Coalition](#), 15 states have passed laws related to the sealing or expungement of eviction records. We have seen how important it is for tenants to maintain – and be able to advocate for – stable housing in Hawai‘i, especially during times of public health emergencies and climate disasters. HB 2227 is a significant measure to prevent the further displacement of Hawai‘i residents without due process by ensuring that people can access the courts without fear of reprisals and further housing instability.

Thank you for this opportunity to submit testimony in support of HB 2227.

/s/

Dina Shek



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

LATE

Testimony of the Hawai'i Appleseed Center for Law and Economic Justice
Support for HB2227 HD3 – Eviction Records
House Committee on Consumer Protections
Thursday, February 5, 2026 at 2:30 PM Conf. Rm. 329 and via Videoconference

Dear Chair Matayoshi, Vice Chair Grandinetti, and Committee Members:

Mahalo for the opportunity to testify in **support of HB2227**, which would limit public access to summary possession (eviction) records on the Judiciary's website unless and until a writ of possession is issued.

Currently, the mere filing of an eviction case, regardless of its outcome or merits, stays on a tenant's record. Even when a case is dismissed, settled, or resolved in the tenant's favor, the filing remains visible online and can be misinterpreted as evidence of wrongdoing. Studies have indicated that this creates insurmountable barriers to future housing access.¹

The Eviction Lab, one of the most comprehensive initiatives to track eviction filings across the nation, notes that court record data is consistently inaccurate and misleading - often not including information on the judgment in an eviction case, even when in favor of the tenant.² Nationally, less than half of eviction filings led to actual evictions.³ Yet automated tenant screening systems often flag any filing as a risk factor, regardless of outcome, causing wrongful denials of housing.

By restricting public access until a writ of possession is issued, HB2227 ensures that only verified evictions, not disputed or meritless filings, become part of the public record. This reform will help landlords make more accurate judgements about applicants while protecting tenants from damaging effects of incomplete or misleading data.⁴

Hawaii's ongoing affordability crisis makes these protections particularly urgent. With restricted housing options and fierce competition for housing across the state, even a signal eviction filing-no matter how baseless-can disqualify a family from securing a home. This system perpetuates a cycle of instability, job loss, and community stalling, increasing reliance on emergency housing and public services.⁵

¹ <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1202&context=njlsp>

² <https://www.tandfonline.com/doi/pdf/10.1080/10511482.2020.1748084?needAccess=true>

³ https://housingactionil.org/downloads/EvictionBrief_February2019.pdf

⁴ <https://poverty.umich.edu/2024/07/16/research-shows-far-reaching-costs-of-eviction-filings-to-tenants-regardless-of-the-outcome-in-court/>

⁵ https://static1.squarespace.com/static/601374ae84e51e430a1829d8/t/65b1a4d6430f7676ae24ea08/1706140892699/Keeping+Hawaii+Housed_FINAL.pdf



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

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Testimony of the Hawai'i Appleseed Center for Law and Economic Justice
Support for HB2227 HD3 – Eviction Records
House Committee on Consumer Protections
Thursday, February 5, 2026 at 2:30 PM Conf. Rm. 329 and via Videoconference

Other states have adopted similar protections, recognizing that eviction filing data is often an unreliable indicator of tenant behavior. Hawaii should do the same to promote fairness, dignity, and housing opportunities for all residents.

Hawaii Appleseed strongly urges the committee to pass HB2227, it represents a sensible step towards a more just and balanced housing system—finding merit in both transparency and fairness and protecting residents from lifelong harm caused by inaccurate or premature public eviction data.

Mahalo for the opportunity to testify.

DAVID W.H. CHEE

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February 4, 2026

CONSUMER PROTECTION & COMMERCE (CPC)
Scot Z. Matayoshi, Chair
Tina Nakada Grandinetti, Vice Chair

RE: HB2227 Re Sealing Court Records.

Dear Representatives,

I am an attorney and have practiced landlord-tenant law for the last 30 years.

The instant bill proposes to seal public records regarding eviction actions that do not result in a judgment for and writ of possession.

The bill invades the public's right to court records. This right is fundamental and has been protected by the Hawaii Supreme Court in similar cases.

Any further order to seal a record in the case must comply with the constitutional standards set forth in Rogan, detailed above. See also Grube, 142 Hawai'i at 425, 420 P.3d at 356 ("Although privacy rights may in some instances rise to the level of compelling, simply preserving the comfort or official reputations of the parties is not a sufficient justification."); Roy, 152 Hawai'i at 234-35, 524 P.3d at 1258-59 (affirming the circuit court's decisions to unseal a case file because "GEICO has not demonstrated that there are no less restrictive alternatives to closure that would adequately protect any compelling interest") (cleaned up).

Civ. Beat L. Ctr. for Pub. Int. v. Kawashima, No. SCPW-24-0000484, 2026 WL 26002, at *3 (Haw. Jan. 5, 2026), reconsideration denied, No. SCPW-24-0000484, 2026 WL 161518 (Haw. Jan. 21, 2026)

The bill appears to conflict with Section 4 of the Hawaii Constitution, one of the foundations of our democracy in Hawaii.

This bill will erode the public's rights to information and appears, on its face, to be unconstitutional in both intent and effect. This bill should not advance.

Thank you for considering my testimony.

Very truly yours,

/s/ David W. H. Chee

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HB-2227

Submitted on: 2/5/2026 8:58:52 AM

Testimony for CPC on 2/5/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Corinne Solomon	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2227.