

Testimony of the Hawai'i Real Estate Commission

**Before the
Senate Committee on Judiciary
Tuesday, March 3, 2026
10:15 a.m.**

Conference Room 016 and Videoconference

**On the following measure:
S.B. 2806, S.D.1, RELATING TO REAL ESTATE**

WRITTEN TESTIMONY ONLY

Chair Rhoads 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 and establishes that any violation of this provision is an unfair or deceptive trade or practice.

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.

March 3, 2026

The Honorable Karl Rhoads, Chair

Senate Committee on Judiciary
State Capitol, Conference Room 016 & Videoconference

RE: Senate Bill 2806, SD1, Relating to Real Estate

HEARING: Tuesday, March 3, 2026, at 10:15 a.m.

Aloha Chair Rhoads, Vice Chair Gabbard, 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, SD1, 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. Effective 7/1/2050.

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>

Letter in Support of SB2806

February 27, 2026

To: Senate Committee on Judiciary
Hawaii State Legislature
Hawaii State Capitol
Honolulu, HI 96813

RE: Strong Support for SB2806 SD1 – Banning Private Real Estate Listings

Aloha Chair Rhoads, Vice Chair Gabbard, and Honorable Committee Members,

My name is Ryan K Gomes, and I am a resident of Honolulu. I write to you today as a concerned private citizen in strong support of SB2806 SD1, 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 or renters.

The Problem: Private Listings Exclude Local Residents

Hawai'i is facing an unprecedented housing affordability crisis. Inventory is scarce, prices are astronomical, and competition for homes is fierce. In this environment, every property matters—and every prospective buyer deserves a fair chance to compete.

Yet a significant number of residential properties in Hawai'i are never publicly listed. Instead, they are sold through private networks—often to wealthy, well-connected buyers who learn about these opportunities through exclusive channels that ordinary residents have no access to.

These "pocket listings" or off-market sales undermine fairness, transparency, and equal opportunity in the residential real estate market. They favor the privileged few while shutting out working families, first-time buyers, and local residents who are trying to find a place to call home.

Why SB2806 SD1 is Critical

SB2806 SD1 addresses this inequity by requiring that all residential real estate listings be made publicly available. No more secret deals. No more exclusive access for the wealthy and well-connected. Every property on the market must be visible to every prospective buyer.

This bill protects residents by:

- **Leveling the playing field** so that local families, working-class buyers, and first-time homebuyers have the same opportunity to see and bid on available properties as wealthy investors and out-of-state buyers.
- **Increasing transparency** in the residential real estate market, ensuring that all participants have access to the same information and can make informed decisions.

- **Promoting fair competition** by ending a practice that artificially restricts supply, drives up prices, and concentrates homeownership opportunities among the elite.
- **Holding brokers accountable** through license suspension, revocation, or fines for those who violate the public listing requirement, ensuring that professional standards reflect the values of fairness and equity.

Who This Bill Helps

SB2806 SD1 is designed to benefit **ordinary residents and families** who are competing for housing in one of the most expensive markets in the nation. It helps:

- **First-time homebuyers** who are already at a disadvantage due to high prices, limited savings, and tough competition, and who cannot afford to miss out on properties that never reach the public market.
- **Local families** who have been priced out or pushed aside by private networks that cater to wealthy investors and mainland buyers with deeper pockets.
- **Renters** searching for affordable housing, who face the same problem of limited inventory and hidden opportunities in the rental market.
- **Market integrity and public trust** in the real estate profession, by ensuring that brokers serve the interests of all prospective buyers and renters, not just an exclusive few.

This is not a bill designed to benefit real estate brokers, investors, or corporations. It is a direct protection for the people of Hawai‘i who are struggling to find housing in their own communities.

Addressing Concerns

Some may argue that private listings serve a legitimate purpose—for example, protecting seller privacy or facilitating quick sales. But these concerns do not justify a system that excludes the majority of prospective buyers from even knowing that a property is available.

Sellers who value privacy can still control how their properties are marketed, and brokers can still facilitate efficient transactions. What they cannot do is reserve properties for exclusive networks while locking out the broader public. That practice is fundamentally unfair, and SB2806 SD1 rightly prohibits it.

The Housing Crisis Demands Fairness

Hawai‘i's housing crisis is not just about supply and affordability—it is also about fairness and access. When properties are sold off-market to exclusive buyers, local residents are robbed of opportunities they never even knew existed. This deepens inequality, fuels resentment, and drives families away from the islands they call home.

SB2806 SD1 takes a clear, decisive stand for transparency and equity. It ensures that every residential property available for sale or lease is visible to every prospective buyer or renter. It is a simple but powerful reform that will make our housing market more fair, more competitive, and more accessible to the people who need it most.

Conclusion

SB2806 SD1 is a necessary, common-sense measure that protects local residents and promotes fairness in the residential real estate market. It does not impose unreasonable burdens on brokers or sellers—it simply requires that all listings be public, as they should be.

In a state where housing is scarce and competition is intense, every resident deserves a fair chance to compete. SB2806 SD1 ensures that chance is not reserved for the wealthy and well-connected, but is available to all.

I respectfully urge the Committee to pass SB2806 SD1.

Mahalo nui for your commitment to fairness, transparency, and the well-being of Hawai'i's residents.

Me ka ha'aha'a,

Ryan K Gomes
Honolulu, Hawai'i

SB-2806-SD-1

Submitted on: 2/28/2026 1:55:48 AM

Testimony for JDC on 3/3/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Rock Tang	Individual	Oppose	Written Testimony Only

Comments:

This is yet another example of legislative overreach. Why are we trying to legislate private business needlessly? The SOH is constantly mired in tragic failures managing public projects seemingly trying to compile a historic record of incompetence. The last thing they should be doing is trying to mandate private transactions.

I strongly urge the legislature to focus on the failing education system, a defective procurement process for construction resulting in widespread overpayment by the State for projects because of its failure in recognizing consistent quality work and focus instead on "lowest price" and the rail project, which is an epic disaster costing us billions rather than focusing on whether an individual may sell their property to their tutu or their cousin rather than to the general market.

Would this statute survive a constitutional challenge as restraint on free trade? I doubt it.