

MAR 10 2023

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO EXAMINE THE FREQUENCY OF COMPLAINTS  
FOR SUMMARY POSSESSION THAT ARE GRANTED IN FAVOR OF THE  
LANDLORD WHEN THE LANDLORD IS REPRESENTED BY COUNSEL AND  
THE TENANT IS ACTING PRO SE.

1 WHEREAS, Hawaii is entrenched in a housing crisis that  
2 severely limits affordable housing options and pushes many into  
3 poverty, crushing debt, and homelessness; and  
4

5 WHEREAS, chronic homelessness is an epidemic in the State,  
6 which currently is experiencing the second-highest rate of  
7 homelessness in the country; and  
8

9 WHEREAS, kupuna are disproportionately affected by  
10 evictions and homelessness, as it is estimated that  
11 approximately one-third of the tenants that were evicted in 2022  
12 are kupuna and that one-half of people currently without  
13 permanent housing statewide are kupuna aged fifty-five years or  
14 older; and  
15

16 WHEREAS, Native Hawaiians are also disproportionately  
17 affected by evictions and homelessness, forcing many families  
18 who have called Hawaii home for centuries to have to leave the  
19 islands or move onto the streets; and  
20

21 WHEREAS, the median price of renting a home in Hawaii  
22 increased thirteen percent since the beginning of the  
23 coronavirus disease 2019 pandemic, with some communities seeing  
24 the price of rent surge as high as forty percent in one year;  
25 and  
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27 WHEREAS, although hundreds of tenants are legally evicted  
28 each month throughout the State, the true number of tenants that  
29 are forced out of their homes each month is unknown, as not many  
30 eviction cases are being filed; and  
31



1           WHEREAS, there is a substantial power imbalance between  
2 landlords and tenants because landlords have the authority to  
3 dictate the living situation of their tenants; there are no  
4 statutory restrictions on the amount that landlords can increase  
5 rent prices; and landlords usually have more financial  
6 resources, allowing them greater access to legal counsel; and  
7

8           WHEREAS, evicted tenants often are already subject to  
9 significant financial restraints, which not only makes retaining  
10 legal counsel on short notice for these tenants unduly  
11 burdensome, but often leads to these tenants having to represent  
12 themselves pro se; and  
13

14           WHEREAS, this discrepancy in legal representation can yield  
15 predatory or even abusive results, with many evicted tenants  
16 reporting bullying or harassment from their landlords' legal  
17 counsel; and  
18

19           WHEREAS, especially given the current housing crisis, it is  
20 in the State's best interest to minimize the risk of abuse to  
21 evicted tenants and protect them from further economic and  
22 mental duress; and  
23

24           WHEREAS, it is therefore necessary to understand any  
25 disparity in representation between the landlords and evicted  
26 tenants who are parties to actions for summary possession  
27 through an audit of the proceedings; now, therefore,  
28

29           BE IT RESOLVED by the Senate of the Thirty-second  
30 Legislature of the State of Hawaii, Regular Session of 2023, the  
31 House of Representatives concurring, that the Judiciary is  
32 requested to examine the frequency of complaints for summary  
33 possession that result in judgement in favor of the landlord  
34 when the landlord is represented by counsel and the tenant is  
35 acting pro se; and  
36

37           BE IT FURTHER RESOLVED that the Judiciary is requested to  
38 submit a report of its findings to the Legislature no later than  
39 twenty days prior to the convening of the Regular Session of  
40 2024; and  
41



# S.C.R. NO. 78

1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the Chief Justice of the  
3 Hawaii Supreme Court, Administrative Director of the Courts, and  
4 Deputy Administrative Director of the Courts.

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OFFERED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'C. Lu', is written over a horizontal line.