

April 2, 2023



Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Committee on Ways and Means
Tuesday, April 4, 2023
10:30 AM
Via Videoconference

RE: **HB1439 SD1** Relating to Eviction Mediation (**Support with Amendments**)

Dear Chair Dela Cruz, Vice Chair Keith-Agaran & Members of the Committee,

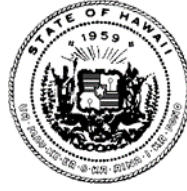
The Chamber of Sustainable Commerce (CSC) testifies in strong support of HB1439 SD1, which establishes a pre-litigation mediation pilot program that extends the period for a notice of termination of the rental agreement from five business days to ten calendar days, requires landlords to participate in mediation before filing an action for summary possession, and requires landlords to provide specific information in the ten-calendar-day notice to tenants and a mediation center that offers free mediation for residential landlord-tenant disputes, appropriates funds for a pre-litigation mediation pilot program, and creates and appropriates funds for an emergency rent relief program.

As business owners who strive for a triple bottom line and know we can strengthen our economy without hurting workers, consumers, or the environment, we urge this committee to pass HB1439 SD1 because it **aims to reduce tenant evictions and allows landlords to mitigate their losses and pay their mortgages.**

CSC urges this committee to **amend HB1439 SD1 by capping the total amount of rent relief available to a household at \$8,000 - \$5,000 to cover arrears, plus six-monthly payments of \$500 to cover future rent.**

Hawaii Legislative Council	Maile Meyer Na Mea Hawaii Honolulu	Russel Rudderman Island Naturals Hilo / Kona	Tina Wildberger Kihei Ice Maui	Joell Edwards Wainiha Country Market Kauai	Kim Coco Iwamoto AQuA Rentals, LLC Honolulu
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JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

April 3, 2023

TO: The Honorable Senator Donovan Dela Cruz, Chair
Senate Committee on Ways & Means

FROM: Cathy Betts, Director

SUBJECT: [HB 1439 HD2 SD1](#) – RELATING TO EVICTION MEDIATION.

Hearing: April 4, 2023, 10:30 a.m.
Conference Room 211 & Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure and defers to the Judiciary and the Hawaii Public Housing Authority.

PURPOSE: Beginning November 1, 2023, this bill establishes a pre-litigation mediation pilot program that extends the period for a notice of termination of the rental agreement from five business days to ten calendar days, requires landlords to participate in mediation before filing an action for summary possession, and requires landlords to provide specific information in the ten-calendar-day notice to tenants and a mediation center that offers free mediation for residential landlord-tenant disputes. Appropriates funds for a pre-litigation mediation pilot program. Creates and appropriates funds for an emergency rent relief program. Effective 6/30/3000. (SD1)

The HD1 amended the measure by:

- (1) Changing the appropriation for the Judiciary to contract for mediation services to an unspecified amount;
- (2) Specifying that participants in the Emergency Rent Relief Program are limited to a maximum of \$5,000 under the program;

- (3) Clarifying that participants in the Emergency Rent Relief Program may choose to receive rent relief either as a lump sum payment of \$3,000 plus four monthly payments of \$500 or ten monthly payments of \$500;
- (4) Increasing the yearly cap of payments allowed under the Emergency Rent Relief Program to \$11,250,000;
- (5) Clarifying that the requirements for the Hawaii Public Housing authority to establish rules and qualification standards apply to the Emergency Rent Relief Program and its participants, rather than the Pre-Litigation Mediation Pilot Program;
- (6) Expanding the authorized uses of the appropriation for the Emergency Rent Relief Program to be used to cover administrative costs of the program;
- (7) Making the Pre-Litigation Mediation Pilot Program effective on September 1, 2023;
- (8) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The HD2 further amended the measure by:

- (1) Clarifying that the rules for the Emergency Rent Relief Program shall prohibit a tenant from participating in the Program more than once; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The SD1 made additional amendments by:

- (1) Inserting an effective date of November 1, 2023, and a repeal date of November 1, 2025, for certain amendments made to section 521-68, Hawaii Revised Statutes, by this measure;
- (2) Inserting unspecified amounts of rent relief payments that participants in the Emergency Rent Relief Program established by this measure are eligible to receive;
- (3) Inserting an unspecified amount of total payments that may be made under the Emergency Rent Relief Program each year;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

DHS appreciates the Legislature's effort to incorporate the pre-litigation mediation program temporarily established by Act 57, Session Laws of Hawaii 2021. Mediation assisted many low-income renters in avoiding eviction or allowed a negotiated move-out that avoided further judicial proceedings and judgments. The program also gave assurance to landlords that

payment was forthcoming. Preventing eviction allows families, especially with children, to remain in stable housing, allows children to continue to attend their community schools, and maintains their community social connections. Conversely, housing instability can result in long-term health outcomes, school and employment disruption, and increased family stress.

Lastly, providing funds for an emergency rent relief program will help families who are back on their rent as the federal pandemic rental subsidies end.

Thank you for the opportunity to provide comments on this measure.



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Second State Legislature, 2023 Regular Session

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S. C. Keith-Agaran, Vice Chair

Tuesday, April 4, 2023, 10:30 a.m.
Conference Room 211 & Via Videoconference

by:

Judge Melanie May
Deputy Chief Judge
District Court of the First Circuit

Judge Blaine J. Kobayashi
Deputy Chief Judge
District Court of the Second Circuit

Judge Michelle K. Laubach
Deputy Chief Judge
District Court of the Third Circuit

Judge Michael K. Soong
Deputy Chief Judge
District Court of the Fifth Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1439, H.D. 2, S.D.1, Relating to Eviction Mediation

Purpose: Beginning November 1, 2023, establishes a pre-litigation mediation pilot program that extends the period for a notice of termination of the rental agreement from five business days to ten calendar days, requires landlords to participate in mediation before filing an action for summary possession, and requires landlords to provide specific information in the ten-calendar-day notice to tenants and a mediation center that offers free mediation for residential landlord-tenant disputes. Appropriates funds for a pre-litigation mediation pilot program. Creates and appropriates funds for an emergency rent relief program. Effective 6/30/3000. (SD1)

Judiciary's Position:

The Judiciary SUPPORTS this measure. When the COVID-19 pandemic began, there were predictions that thousands of evictions would flood the court system. The enactment and implementation of Act 57, Session Laws of Hawai'i 2021, helped to avert the anticipated crisis. Act 57 modified the notice requirements for residential summary possession cases, mandated pre-filing mediation, and made funding available for pre-filing mediation services and rent relief. Under Act 57, 85% of the 1,660 cases mediated statewide settled without litigation. Moreover, in the First Circuit, 85% of these settlements resulted in tenants remaining in their homes.

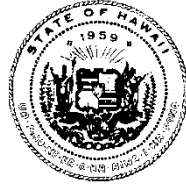
The Judiciary joins the Committee on Housing's respectful request, in its committee report, for consideration of an appropriation amount of \$1,250,000 for the Judiciary to contract for mediation services to implement this measure.

The Judiciary respectfully requests that any appropriations for this bill not supplant the Judiciary's existing funding and current budget requests.

Thank you for the opportunity to testify on this measure.

LATE

JOSH GREEN, M.D.
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

STATE OF HAWAII
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
POST OFFICE BOX 17907
HONOLULU, HAWAII 96817

IN REPLY, PLEASE REFER TO:

Statement of
Hakim Ouansafi, Executive Director
Hawaii Public Housing Authority

Before the
SENATE COMMITTEE ON WAYS AND MEANS

10:30 a.m., April 4, 2023
Hawaii State Capitol
Room 211

In consideration of
HB 1439, HD2, SD1
RELATING TO EVICTION MEDIATION

Honorable Chair Dela Cruz, and Members of the Senate Committee on Ways and Means, thank you for the opportunity to provide testimony concerning House Bill (HB) 1439, HD2, SD1, relating to eviction mediation.

The Hawaii Public Housing Authority (HPHA) **supports** the enactment of HB 1439, HD2, SD1, which would establish a pre-litigation mediation pilot program and an emergency rent relief program, the latter of which would be administered by the HPHA.

The HPHA's mission is to provide Hawaii's residents with adequate and affordable housing, economic opportunity, and suitable living environments that are free from discrimination through both its public housing and rental assistance programs. The HPHA serves our state's most disadvantaged populations, including families earning less than thirty percent of the Area Median Income (AMI), the disabled, and the elderly.

Act 57, Session Laws of Hawaii (SLH) 2021, demonstrated how the combination of a robust pre-litigation mediation process with rental relief led to significantly better outcomes for local families struggling to make ends meet. In its October 2022 report on Act 57, the Hawaii

Appleseed Center for Law & Economic Justice found that the Tenant-Landlord Mediation Program resulted in a much higher rate of successful mediation results when compared to similar programs which held mediation post-filing of an eviction action. Tenants were also much more likely to remain in their unit.

The HPHA appreciates the opportunity to provide the committee with its testimony regarding HB 1439, HD2, SD1. We thank you very much for your dedicated and continued support.



ALOHACARE

To: The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

From: Paula Arcena, External Affairs Vice President
Mike Nguyen, Public Policy Manager

Hearing: Tuesday, April 4, 2023, 10:30 AM, Conference Room 211

RE: **HB1439 HD2 SD1 Relating to Eviction Mediation**

AlohaCare appreciates the opportunity to provide testimony in **support of HB1439 HD2 SD1**. This measure establishes and appropriates funds for a pre-litigation mediation pilot program, requires landlords to participate in mediation before filing an action for summary possession, and creates and appropriates funds for an emergency rent relief program.

Founded in 1994 by Hawai`i's community health centers, AlohaCare is a community-rooted, non-profit health plan serving over 80,000 Medicaid and dual-eligible health plan members on all islands. Approximately half of our membership are keiki. We are Hawai`i's only safety net health plan exclusively dedicated to serving Medicaid and Medicaid-Medicare dually-eligible beneficiaries. Our mission is to serve individuals and communities in the true spirit of aloha by ensuring and advocating for access to quality health care for all. We believe that health is about supporting whole-person health needs.

AlohaCare's commitment to whole person care includes addressing a variety of social determinants of health, including housing, economic stability, and nutrition among other factors. We understand that without housing, our members are less able to focus on their health and well-being. We were fortunate to work with and sponsor reports by the Hawai`i Budget & Policy Center in 2022 and 2023, "[Good Health Depends on Decent Housing](#)" and "[Keeping Hawai`i Housed](#)" to advance health through housing solutions. What we knew was made evident: lack of safe, stable housing is often associated with poor health outcomes, including higher levels of chronic stress, increased incidence of chronic conditions like obesity and heart disease, and higher incidences of adverse childhood experiences for families with children. Unaffordable housing can cause stress and produce cumulative effects that result in mental and physical health problems. Even more daunting are the challenges faced by people experiencing homelessness where living conditions—the stress and conflict of crowded shelters or living on the streets, emotional trauma, unsanitary conditions, sleep deprivation, violence, etc.—magnify mental and physical health problems.

This measure will build upon the success of Act 57 which resulted in about 85% of tenants facing eviction, or 1,500 residents, remaining housed, setting them up for better health outcomes.

Mahalo for this opportunity to testify in **support of HB1439 HD2 SD1**.

1357 Kapiolani Blvd., Suite 1250, Honolulu, Hawaii 96814
Call: 973-0712 • Toll-free: 1-877-973-0712 • Fax: 808-973-0726 • www.AlohaCare.org



CATHOLIC CHARITIES HAWAII

TESTIMONY IN SUPPORT OF HB 1439 HD2 SD1: RELATING TO EVICTION MEDIATION

TO: Senate Committee on Ways and Means
FROM: Rob Van Tassell, President and CEO, Catholic Charities Hawai'i
Hearing: Tuesday, 4/4/23; 10:30 am; CR 211 & via videoconference

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members, Committee on Ways and Means:

Thank you for the opportunity to provide testimony **in Support of HB 1439 HD2 SD1**, which requires pre-litigation mediation before an eviction for non-payment of rent can be filed with the court, with rent relief for tenants in mediation. I am Rob Van Tassell, with Catholic Charities Hawai'i.

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawai'i for over 70 years. CCH has programs serving elders, children, families, homeless, and immigrants. Our mission is to provide services and advocacy for the most vulnerable in Hawai'i. Catholic Charities Hawai'i has a long history of working in the areas of affordable housing and homelessness.

To effectively end homelessness, Hawai'i must focus on prevention. Currently, many people who are experiencing homelessness are successfully placed into permanent housing. However, it may seem as if nothing is being done since more families, elders, and individuals fall into homelessness, replacing those who have been housed. Families who are evicted are at high risk for homelessness. Historically, Hawai'i has had about 2,500 evictions filed with the courts each year. The eviction prevention programs developed during the pandemic with its even higher risk for evictions, demonstrated that these programs can work to keep tenants housed. Both tenants and landlords benefit from a process in which tenants can remain in housing and landlords get the rent due to them.

Hawai'i's people depend on all of us to continue to pay attention to the high personal and systems costs for evictions, now that the pandemic is subsiding. The trauma to tenants and landlords is great. The community costs are great. An estimated \$30 million in public and emergency services are needed due to evictions. Let's close the spigot and reduce the flow of families into homelessness.

Catholic Charities Hawai'i also supports **increasing the total program funding to cover program administration, outreach and navigation services, as well as increasing the cap on rent relief to \$8,000 per household**. Outreach could reach tenants before they dig such a big hole for rent that it may be difficult to resolve. Financial counseling and navigation services are the missing piece to help these tenants become more financially stable while they receive a few months of rent relief. The goal would be long-term sustainability.

Please pass HB 1439 that strengthens both tenants and landlords. Please contact our Legislative Liaison, Betty Lou Larson at (808) 527-4813, if you have any questions.





Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: Senate Committee on Ways and Means
Re: **HB 1439, HD2, SD1 – Relating to Eviction Mediation**
Hawai'i State Capitol & Via Videoconference
April 4, 2023, 10:30 AM

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Committee Members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in **SUPPORT of HB 1439, HD2, SD1**. This bill establishes and appropriates funds for a pre-litigation mediation pilot program, requires landlords to participate in mediation before filing an action for summary possession, requires landlords to provide specific information in the ten-calendar-day notice to tenants and a mediation center, and creates and appropriates funds for an emergency rent relief program.

**HCAN Speaks! Board
of Directors**

Liza Ryan Gill
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Nick Kacprowski, J.D.
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Secretary

Teri Keliipuleole
Jasmine Slovak
Erica Yamauchi

A similar program that combined mediation and rent relief during the height of the pandemic proved highly successful and was credited with preventing hundreds of tenants in our state from being evicted.¹ We should build on that success and use the lessons learned to create a new mediation and rent relief program.

About 111,000 children in our state live in families that spend more than 30% of their income on housing, which is considered a high housing cost burden. This equates to 37% of all children in our state, ranking Hawai'i a concerning 48th among the states for housing affordability.²

It is well established that housing instability has harmful effects on children's health and educational outcomes³ and that the stresses of childhood poverty have both immediate and long-term effects on keiki's physical and mental health, behavioral self-control, academic achievement, and earnings as adults.⁴

While the threat of evictions was especially dire when our unemployment rate was high, Hawai'i had a housing affordability and homelessness crisis before the pandemic, and we will still have it after it ends. That's why this type of program is so important.

Mahalo for the opportunity to provide this testimony. Please pass this bill.

Thank you,

Nicole Woo
Director of Research and Economic Policy

¹ <https://www.hawaiipublicradio.org/local-news/2022-10-19/report-mandatory-mediation-saved-hundreds-of-tenants-from-eviction>

² https://www.hawaii-can.org/kids_count_2022_hawaii_profile

³ <https://housingmatters.urban.org/articles/how-housing-affects-childrens-outcomes>

⁴ <https://www.apa.org/pi/ses/resources/indicator/2014/06/childhood-poverty>



Hawai'i Housing Affordability Coalition

Hearing Date: Tuesday, April 4th at 10:30AM

Senate Committee on Ways and Means (WAM)

Submitted by HiHAC

HB1439 - Relating to Eviction Mediation

Dear Chair Dela Cruz and Vice Chair Keith-Agaran,

HiHAC is submitting testimony in STRONG SUPPORT OF HB1439, which establishes and funds a pre-litigation mediation pilot program and supplementary emergency rent relief program. We also provide suggested amendments to strengthen the legislation. Since the beginning of the COVID-19 pandemic in early 2020, Hawai'i established a temporary emergency rental assistance and landlord-tenant mediation program to prevent evictions and slow the spread of the COVID-19 virus. Combined, these programs have kept tens of thousands of families stably housed during the pandemic. HB1439 will help build a bridge towards more permanent rental assistance and mediations programs in the future.

Even as the health threats of the pandemic subside, rent assistance remains a critical component to ensuring housing stability and preventing evictions. According to recent research by Hawai'i Appleseed Center for Law and Economic Justice, there are an estimated 2,500 evictions filed each year across the state. Evictions are harmful to our housing ecosystem and the landlords who rely on rent payments and consistent tenants. Evictions are especially harmful to the individual or family losing their home and in severe cases can lead to homelessness. The cost of eviction on individuals and households include, but is not limited to: interrupted employment and school leading to a loss of wages; negative health impacts, such as anxiety and depression, and; impaired legal records which make it harder to find future housing.

Evictions also create large public costs. According to estimates provided by the "Eviction Cost Calculator", developed by Innovation for Justice, a social justice-focused legal innovation lab housed at both Arizona Law and University of Utah School of Business, Hawai'i's estimated 2,500 annual evictions led to over \$30 million in public costs. These costs result from the increased need for emergency shelters, in-patient care emergency room at hospitals, and foster care and juvenile detention. According to research by Hawai'i Appleseed Center for Law and Economic Justice, for every tax dollar spent on rental assistance and landlord-tenant mediation programs, the public saves six dollars on homeless services.

Recommendations to Strengthen HB1439

Based on research completed by the Hawai'i Appleseed Center for Law and Economic Justice and the Urban Institute, HB1439 could be strengthened through the following amendments:

- **Increase total program funding to at least \$14.378 million, appropriating \$3.128 million to support program administration, outreach, and navigation services.** This amount would cover emergency rent assistance providers and mediation centers' administration, staff and outreach costs.
- **Cap the total amount of rent relief available to a household at \$8,000 – \$5,000 to cover arrears, plus six-monthly payments of \$500 to cover future rent.**

Establishing a rental assistance and landlord-tenant mediation program is a necessary step to reduce the social and financial harm caused by evictions. Please **PASS HB1439 HD2 SD1**, and consider the suggestions above, to help prevent evictions and keep our island residents housed.



Hawai'i Housing Affordability Coalition

Mahalo for the opportunity to testify,

HiHAC

Hawai'i Housing Affordability Coalition

April 4, 2023

The Honorable Donovan M. Dela Cruz, Chair

Senate Committee on Ways and Means

State Capitol, Conference Room 211 & Videoconference

HEARING: Tuesday, April 4, 2023, at 10:30 a.m.

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, 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 Hawai'i and its over 11,000 members. HAR provides **comments** on House Bill 1439, HD2, SD1, which beginning November 1, 2023, establishes a pre-litigation mediation pilot program that extends the period for a notice of termination of the rental agreement from five business days to ten calendar days, requires landlords to participate in mediation before filing an action for summary possession, and requires landlords to provide specific information in the ten-calendar-day notice to tenants and a mediation center that offers free mediation for residential landlord-tenant disputes. Appropriates funds for a pre-litigation mediation pilot program. Creates and appropriates funds for an emergency rent relief program. Effective 6/30/3000.

HAR appreciates the intent of this measure and supports emergency rent relief as it helps both tenants struggling to make their rent payments as well as housing providers who may have mortgage payments. Moreover, we believe that if mediation is to occur to resolve disputes that it be conducted by trained professionals to ensure that the process is conducted efficiently and effectively for all parties. We are also supportive of the sunset date of November 1, 2025 in this measure in order to be able to evaluate its impact. It is very important to measure the results of this pilot to ensure that both parties followed through on the agreement and that funding for rent relief is tracked.

We are appreciative of the amendments made by the Senate Committees on Commerce and Consumer Protection and Judiciary inserting a November 1st effective date as this will allow our organization time to update our *Rental Agreement Standard Form* and to educate our members on the required changes. HAR creates Standard Forms which are utilized by the entire industry and November is the timing for the next batch of updates to all our Standard Forms after the legislative session ends.

Thank you for your consideration of our comments. Mahalo for the opportunity to testify.



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai'i Appleseed Center for Law and Economic Justice
Support for H.B. 1439 HD2 SD1 SD1 – Relating to Eviction Mediation
Senate Committee on Ways and Means
Tuesday, April 4, 2023, at 10:30AM, Conf. Rm. 211 and via Videoconference

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Committee on Ways and Means:

Thank you for the opportunity to express our **STRONG SUPPORT for H.B. 1439 HD2 SD1**, which will establish a pre-litigation mediation and rent relief program that has the potential to help prevent thousands of evictions. We also offer suggested amendments to ensure that the rent relief program created by this bill will have the greatest possible impact.

Everyone benefits from housing stability. Around 2,500 evictions are filed every year in Hawai'i. Evictions are harmful to the landlords who rely on rent payments, to the tenants who lose their homes, and to our community—which incurs an estimated \$30 million in costs for public and emergency services needed as a result of evictions. **We estimate that for every tax dollar spent on rental assistance and landlord-tenant mediation programs, the public saves six dollars on homeless services.**¹

H.B. 1439 HD2 SD1 is patterned off emergency rent relief and pre-litigation mediation (Act 57) programs created by the Hawai'i legislature in response to the pandemic—some of the most effective programs in the nation for preserving housing stability. Having both tools available for landlords and tenants who went through mediation resulted in 87 percent of eviction cases settling, compared to the norm of 47 percent. Most importantly, 85 percent of settlements resulted in tenants remaining in the home, relative to the more typical 11 percent rate pre-Act 57.

The rent relief & pre-litigation mediation programs Hawai'i put into place during the pandemic taught us important lessons:

- Rent relief and pre-litigation mediation are each helpful, but most powerful when combined.
- Keep it simple. Securing rent relief was challenging for many tenants and landlords because of onerous documentation requirements to show that tenants qualified. As a result, some households that needed assistance weren't able to access it, and administration of the program was more time-consuming and costly than it needed to be.
- Outreach and support services are key. Tenants who are intimidated by the prospect of eviction, or hopeless about their situation, need additional assurances that the pre-litigation mediation and

¹ According to estimates generated by the "Eviction Cost Calculator" (<https://law.arizona.edu/eviction-calculator>), developed by Innovation for Justice, a social justice-focused legal innovation lab housed at both Arizona Law and University of Utah School of Business, Hawai'i's estimated 2,500 annual evictions led to over \$30 million in public costs. These costs result from the increased need for emergency shelters, in-patient care emergency room at hospitals, and foster care and juvenile detention.

rent relief options available to them are an effective way to preserve their housing. Tenants will often need time and support getting back on track to housing stability.

How Rent Relief & Pre-Litigation Mediation Under H.B. 1439 Will Work

H.B. 1439 incorporates the lessons learned from the pandemic into a streamlined rent relief & mediation program. Under the program, before an eviction for non-payment of rent can be filed with the court, the tenant must be offered pre-litigation mediation. Participants in pre-litigation mediation will have exclusive access to a rent relief fund that can be used to help pay arrears and provide a shallow rent subsidy of \$500 a month for a few months, buying the tenant time to get back to a more stable financial situation.

The benefits of this approach include the following:

- Limiting the rent relief to a relatively low amount (e.g., \$5,000 to \$8,000) mitigates the need for income qualifications and the corresponding onerous documentation requirements. Not only are the households that face eviction typically lower-income, people with high-cost rentals are unlikely to be able to use the subsidy to preserve high cost housing because the amount they could receive is limited.
- Making rent relief available only to pre-litigation mediation participants:
 - Stretches the dollars committed to rent relief by making it a program of last resort;
 - Helps mitigate the potential of cannibalizing funding from federally-subsidized rent relief programs that are harder to qualify for and access; and
 - Mitigates the likelihood of fraud in the program. The requirement that people show up in person or via video-conference and engage in mediation make it far less likely that people will be able to take unfair advantage of the program.

Recommendations to Strengthen H.B. 1439

Based on our research of the pandemic rent relief and mediation programs, supported by the Urban Institute,² we make the following recommendations:

- **Allocate sufficient resources for administration of the rent relief, mediation, outreach, navigation services and data collection, totalling \$14.378 million for each year of the program.**

The bill currently contemplates capping the annual amount of rent relief distributed to \$11.25 million, which could cover up to 2,250 households (out of the 2,500 that typically face eviction each year), with an average payout of \$5,000.

We recommend allocating \$1.438 million for mediation services, which were so critical to the program's success (the amount requested would provide an average of \$575 for each of the estimated 2,500 mediation files to be opened, and is based on costs associated with running the program during the pandemic).

² *Eviction Prevention Through Hawai'i's Tenant-Landlord Mediation Program*, Hawai'i Appleseed, Oct. 2022 (available at <https://hiappleseed.org/publications/eviction-prevention-mediation-hawai'i>).

We also recommend allocating \$1.725 million for administering the rent relief program.

Even a streamlined program carries some administration costs. It is important to include in those costs funding for outreach and navigation services. Outreach ensures tenants fully understand and make use of the opportunity mediation and rent relief present for preserving their housing. Navigators help tenants walk through what can be a daunting process, and they can connect tenants with resources that help them achieve long-term financial sustainability. Assuming 2,250 households receive rent relief, \$1.725 million would provide close to \$770 per household for administration, outreach, and navigation services.

- **Increase the cap on the total amount of rent relief available to a household at \$8,000—up to \$5,000 for arrears plus up to \$3,000 for an ongoing shallow rent subsidy of \$500 per month for six months.** These figures are based on average distributions of pandemic rent relief that ranged between \$2,250 and \$6,000 depending on the program and county.

\$5,000 of available rent relief should assist a household of four with nearly two months of back rent, covering enough of the arrears that a tenant is likely to be able to remain an ongoing tenant. Having a shallow rent subsidy of \$500 for six months is key to give the tenant time to get back on track financially or explore other options.

Increasing the cap any one household can receive can provide flexibility for when a higher amount for arrearage and future payments is necessary, but because most households will likely receive less than the full amount, increasing the per household cap need not increase the total cost of the program.

Establishing a rental assistance and landlord-tenant mediation program is a necessary step to reduce the social and financial harm caused by evictions. Please **PASS H.B. 1439 HD2 SD1**, and consider the suggestions above, to help prevent evictions and keep our island residents housed.

Mahalo for the opportunity to testify.



Papa Ola Lokahi
Nana I Ka Pono Na Ma

894 Queen Street
Honolulu, Hawaii 96813
Phone: 808.597.6550
www.papaolalokahi.org

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

LATE

Tuesday, April 4, 2023, 10:30 AM, Conference Room 211 & Videoconference

RE: HB 1439 HD 2 SD 1 – RELATING TO EVICTION MEDIATION

Position: IN SUPPORT

Dear Chair Dela Cruz, Vice-Chair Keih-Agaran, and the Members of the Committee on Ways and Means,

Papa Ola Lokahi testifies **IN SUPPORT** of HB 1439 HD 2 SD 1, which will establish and fund a pre-litigation mediation pilot program and supplementary emergency rent relief program. During the pandemic, the state’s temporary versions of these programs helped prevent evictions. This measure, which would help build a bridge towards more permanent rental assistance and mediation programs in the future, is critical to ensuring housing stability for our communities.

While the pandemic is evolving, funding for pandemic impacts and their sequelae has largely ended. Rent assistance provides one of the most direct and immediate components in a multi-pronged strategy to stabilize families. The increase in prices for housing across the state is unsustainable for all, especially for kupuna and those dependent on fixed incomes. Data collected prior to 2020 indicate that locals have been leaving Hawaii for the continental United States to achieve better economic opportunity and stability, which has significant implications for communities and our workforce. Those who choose not to or cannot leave face serious challenges and may ultimately end up homeless without robust social supports, such as those proposed in HB 1439 HD 2 SD 1, to stay housed in Hawaii’s housing market.

Of particular concern is the over-representation of Native Hawaiians and Pacific Islanders (NHPs) in the homeless population. According to the [2022 Point In Time Count Report](#) (PIT Count), NHPs, and multiracial people made up the largest percentages of the unhoused population: 52% of people included in the count identified NHPI as either their only race or part of their multiracial identity, and 81% of multiracial individuals identified NHPI as part of their racial background. In addition, the report highlighted that NHPs were 265% more likely to represent individuals in the PIT Count compared to the general population of Oahu.

Addressing the social determinants of health – i.e., the nonmedical factors that influence health outcomes, including our physical environment – requires investment. Papa Ola Lokahi **supports HB 1439 HD 2 SD 1**, which creates one of the many vehicles needed to bolster the ability of local families to remain safely housed, healthy, and connected to Hawaii.

Thank you for the opportunity to provide testimony **IN SUPPORT** of this critical legislation.

Papa Ola Lōkahi, the Native Hawaiian Health Board, authorized by the federal Native Hawaiian Health Care Improvement Act, is charged with raising the health status of Native Hawaiians to the highest possible level, which we achieve through strategic partnerships, programs, and public policy.



HAWAI'I STATE
**COALITION AGAINST
DOMESTIC VIOLENCE**

LATE

April 4, 2023

Members of the Senate Committee on Ways and Means:

Chair Donovan M. Dela Cruz

Vice Chair Gilbert S.C. Keith-Agaran

Sen. Henry J.C. Aquino

Sen. Lynn DeCoite

Sen. Lorraine R. Inouye

Sen. Dru Mamo Kanuha

Sen. Michelle N. Kidani

Sen. Donna Mercado Kim

Sen. Chris Lee

Sen. Sharon Y. Moriwaki

Sen. Maile S.L. Shimabukuro

Sen. Glenn Wakai

Sen. Kurt Fevella

Re: HB1439 HD2 SD1 Relating to Relating to Eviction Mediation

Dear Chair Dela Cruz, Vice Chair Keith-Agaran and Members of the Senate Committee on Ways and Means:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 28 member programs statewide, I respectfully submit testimony in **support of HB1439 HD2 SD1**, which establishes and funds a pre-litigation mediation pilot program and supplementary emergency rent relief program and respectfully suggest the following recommendations.

Recommendations to Strengthen HB1439

Based on research completed by the Hawai'i Appleseed Center for Law and Economic Justice and the Urban Institute, HB1439 could be strengthened through the following amendments:

- **Increase total program funding to at least \$14.378 million, appropriating \$3.128 million to support program administration, outreach, and navigation services.** This amount would cover emergency rent assistance providers and mediation centers' administration, staff and outreach costs.
- **Cap the total amount of rent relief available to a household at \$8,000** – \$5,000 to cover arrears, plus six-monthly payments of \$500 to cover future rent.

Since the beginning of the COVID-19 pandemic in early 2020, Hawai'i established a temporary emergency rental assistance and landlord-tenant mediation program to prevent evictions and slow the spread of the COVID-19 virus. Combined, these programs have kept tens of thousands of families stably housed during the pandemic. These programs have been proven effective in keeping renters housed, but have faced challenges due to waning federal funding. HB1439 HD1 will help build a bridge towards more permanent rental assistance and mediation programs in the future.



HAWAII STATE
**COALITION AGAINST
DOMESTIC VIOLENCE**

Even as the health threats of the pandemic subside, rent assistance remains a critical component to ensuring housing stability and preventing evictions. This is especially true for survivors of domestic violence - **thirty-eight percent of all domestic violence victims become homeless at some point in their lives¹, and 57% of homeless women reported that domestic violence was the immediate cause of their homelessness.²**

According to recent research by Hawai'i Appleseed Center for Law and Economic Justice, there are an estimated 2,500 evictions filed each year across the state. Evictions are harmful to our housing ecosystem and the landlords who rely on rent payments and consistent tenants. Evictions are especially harmful to the individual or family losing their home and in severe cases can lead to homelessness. The cost of eviction on individuals and households include, but is not limited to: interrupted employment and school leading to a loss of wages; negative health impacts, such as anxiety and depression, and; impaired legal records which make it harder to find future housing.

Evictions also create large public costs. According to estimates provided by the "Eviction Cost Calculator", developed by Innovation for Justice, a social justice-focused legal innovation lab housed at both Arizona Law and University of Utah School of Business, Hawai'i's estimated 2,500 annual evictions led to over \$30 million in public costs. These costs result from the increased need for emergency shelters, in-patient care emergency rooms at hospitals, and foster care and juvenile detention. According to research by Hawai'i Appleseed Center for Law and Economic Justice, for every tax dollar spent on rental assistance and landlord-tenant mediation programs, the public saves six dollars on homeless services.

Establishing a rental assistance and landlord-tenant mediation program is a necessary step to reduce the social and financial harm caused by evictions. Please PASS **HB1439 HD2 SD1**, and consider the suggestions above, to help prevent evictions and keep our island residents housed.

Thank you for the opportunity to testify on this important matter.

Sincerely,
Angelina Mercado, Executive Director

¹ <https://safehousingpartnerships.org/intersection>

² https://safehousingpartnerships.org/sites/default/files/2017-05/SHP-Homelessness%20and%20DV%20Infographic_1.pdf



LATE

Hawaiian Humane Society
People for animals. Animals for people.

2700 Waiālae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: April 3, 2023

To: Chair Sen. Donovan M. Dela Cruz
Vice Chair Sen. Gilbert S.C. Keith-Agaran
and Members of the Committees on Ways and Means

Submitted By: Stephanie Kendrick, Director of Community Engagement
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of HB 1439, HD2, SD1:
Relating to Eviction Mediation
Tuesday, April 4, 2023, 10:30 a.m., Room 211 & Videoconference

On behalf of the Hawaiian Humane Society, thank you for considering our support for House Bill 1439, HD2, SD1, which establishes and appropriates funds for a pre-litigation mediation pilot program. Requires landlords to participate in mediation before filing an action for summary possession. Creates and appropriates funds for an emergency rent relief program.

The Hawaiian Humane Society strongly supports mediation as a means to resolve conflicts between landlord and tenants. Our frontline teams regularly refer pet owners who are facing eviction to mediation services. Mandating that landlords agree to mediation as the first step will help tenants who may struggle to advocate for themselves. We saw a halt in landlord-requested pet animal pickups related to evictions while the provisions of Act. 57 were in effect. What could have been a crisis for pets and their families at the height of the COVID epidemic was averted thanks to that program. We are thrilled that the sponsors of this bill have proposed codifying the most effective provisions of Act 57.

Hawaiian Humane also supports the emergency rent relief program outlined in HB 1439, HD2, SD1. As a voting member of Partners in Care since 2017, we have seen the harm caused by the lack of access to affordable housing, as well as the critical need for supportive services to keep people housed.

Housing insecurity is a major driver of the surrender of pets who are beloved by their families. Please pass HB 1439, HD2, and protect the wellbeing of Hawai'i's people and animals. Mahalo for your consideration.



LATE

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Julie Mitchell

CASE MANAGER
Molly O'Quinn

LANDLORD TENANT MEDIATION SPECIALIST
Erika Ginnis

ADMINISTRATIVE & PROGRAM ASSISTANT
Kaitlyn Lacombe

Testimony to the Senate Committee on Ways & Means
Tuesday, April 4, 2023, 10:30 a.m.
Conference Room 211 & Videoconference

RE: Support of HB 1439, HD2, SD1, Relating to Eviction Mediation

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Committee on Ways & Means:

As a local non-profit organization, we **strongly support HB 1439, HD2, SD1**, which will promote housing stability by establishing a free landlord/tenant pre-litigation mediation diversion program and creating an emergency rent relief program available to participants in pre-litigation mediation to provide resources that will help avoid eviction and maintain stable tenancies.

To increase the impact of HB 1439, HD2, SD1 we support the following amendments:

- Increase total program funding to at least \$14.378 million, appropriating \$3.128 million to support program administration, outreach, and navigation services. This amount would cover emergency rent assistance providers and mediation centers' administration, staff, and outreach costs.
- Cap the total amount of rent relief available to a household at \$8,000: \$5,000 to cover arrears plus \$3,000 in six-monthly payments of \$500 each to cover future rent.

(Based on research completed by the Hawai'i Appleseed Center for Law and Economic Justice and the Urban Institute)

Because of the COVID pandemic, Hawai'i established a temporary Emergency Rental Assistance Program (ERAP) and a one-year Act 57 Landlord Tenant Eviction Mediation Program to slow the spread of COVID and prevent a "tsunami" of evictions. Combined, these two programs successfully kept tens of thousands of families across the state stably housed during the pandemic. HB 1439, HD2, SD1 will help build a bridge towards more permanent rental assistance and mediation programs in the future.

According to recent research by Hawai'i Appleseed Center for Law and Economic Justice, an estimated 2,500 evictions are filed each year across the state. Evictions are harmful to our housing ecosystem and the landlords who rely on rent payments and consistent tenants. Evictions are especially harmful to the individual or family losing their home and can led to homelessness. The cost of eviction on individuals and households includes, but is not limited to: interrupted employment and schooling leading to a loss of wages; negative health impacts, such as anxiety and depression;

a partner agency of the



Ku'ikahi Mediation Center is a 501(c)(3) nonprofit organization, donations to which are tax-deductible. We welcome your support!



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CASE MANAGER
Molly O'Quinn

LANDLORD TENANT MEDIATION SPECIALIST
Erika Ginnis

ADMINISTRATIVE & PROGRAM ASSISTANT
Kaitlyn Lacombe

and impaired legal records and credit histories which make it harder to find future housing.

According to estimates provided by the “Eviction Cost Calculator,” developed by Innovation for Justice, a social justice-focused legal innovation lab housed at both Arizona Law and University of Utah School of Business, Hawai'i's estimated 2,500 annual evictions led to over \$30 million in public costs. These costs result from the increased need for emergency shelters, in-patient care emergency room at hospitals, and foster care and juvenile detention. According to research by Hawai'i Appleseed Center, for every tax dollar spent on rental assistance and landlord/tenant mediation programs, the public saves six dollars on homeless services.

In the County of Hawai'i, Ku'ikahi Mediation Center (KMC) and West Hawai'i Mediation (WHMC), worked jointly on the Act 57 Statewide Landlord Tenant Eviction Mediation Program during the period of August 7, 2021 to August 6, 2022. The legislature's passage of Act 57 and the availability of rental assistance were both crucial to this program's success.

Of the 285 Act 57 landlord/tenant cases received via 15-day eviction notices by KMC and WHMC, 53% mediated. Of the cases that mediated, 79% were resolved and 21% were not resolved. Of the cases that did not mediate, 72% conciliated or settled prior to mediation (largely due to the receipt of rental assistance), 22% had tenants chose not to mediate, and 6% were closed for other reasons (e.g., unable to reach tenant). Thus, 76% of all 285 Act 57 landlord/tenant cases were successfully resolved, either through mediated agreements or conciliations and settlements prior to mediation.

Establishing a new statewide landlord/tenant mediation program that includes rental assistance is crucial step to reduce the social and financial harm caused by evictions.

We strongly urge you to pass this legislation and consider the suggested amendments listed above. Thank you for reading this testimony.

Mahalo,

Julie Mitchell
Executive Director

a partner agency of the



Ku'ikahi Mediation Center is a 501(c)(3) nonprofit organization, donations to which are tax-deductible. We welcome your support!



LATE

Hearing Date: Tuesday, April 4th at 10:30AM
Senate Committee on Ways and Means (WAM)
Submitted by The Mediation Center of the Pacific, Inc.
HB1439 - Relating to Eviction Mediation

Dear Chair Dela Cruz and Vice Chair Keith-Agaran,

The Mediation Center of the Pacific is submitting testimony in STRONG SUPPORT OF HB1439, which establishes and funds a pre-litigation mediation pilot program and supplementary emergency rent relief program. We also provide suggested amendments to strengthen the legislation. Since the beginning of the COVID-19 pandemic in early 2020, Hawai'i established a temporary emergency rental assistance and landlord-tenant mediation program to prevent evictions and slow the spread of the COVID-19 virus. Combined, these programs have kept tens of thousands of families stably housed during the pandemic. HB1439 will help build a bridge towards more permanent rental assistance and mediations programs in the future.

Even as the health threats of the pandemic subside, rent assistance remains a critical component to ensuring housing stability and preventing evictions. According to recent research by Hawai'i Appleseed Center for Law and Economic Justice, there are an estimated 2,500 evictions filed each year across the state. Evictions are harmful to our housing ecosystem and the landlords who rely on rent payments and consistent tenants. Evictions are especially harmful to the individual or family losing their home and in severe cases can lead to homelessness. The cost of eviction on individuals and households includes, but is not limited to interrupted employment and school leading to a loss of wages; negative health impacts, such as anxiety and depression, and; impaired legal records which make it harder to find future housing.

Evictions also create large public costs. According to estimates provided by the "Eviction Cost Calculator", developed by Innovation for Justice, a social justice-focused legal innovation lab housed at both Arizona Law and University of Utah School of Business, Hawai'i's estimated 2,500 annual evictions led to over \$30 million in public costs. These costs result from the increased need for emergency shelters, in-patient care emergency room at hospitals, and foster care and juvenile detention. According to research by Hawai'i Appleseed Center for Law and Economic Justice, for every tax dollar spent on rental assistance and landlord-tenant mediation programs, the public saves six dollars on homeless services.

Recommendations to Strengthen HB1439

Based on research completed by the Hawai'i Appleseed Center for Law and Economic Justice and the Urban Institute, HB1439 could be strengthened through the following amendments:

- **Increase total program funding to at least \$14.378 million, appropriating \$3.128 million to support program administration, outreach, and navigation services.** This amount would cover emergency rent assistance providers and mediation centers' administration, staff, and outreach costs.
- **Cap the total amount of rent relief available to a household at \$8,000 – \$5,000 to cover arrears, plus, six-monthly payments of \$500 to cover future rent.**

Establishing a rental assistance and landlord-tenant mediation program is a necessary step to reduce the social and financial harm caused by evictions. Please PASS **HB1439 HD2 SD1**, and consider the suggestions above, to help prevent evictions and keep our island residents housed.

Mahalo for the opportunity to testify.

A handwritten signature in black ink, appearing to read 'Tracey S. Wiltgen', with a small dot above the final letter.

Tracey S. Wiltgen Executive Director
The Mediation Center of the Pacific, Inc.

LATE

From: [Sen. Donovan Dela Cruz](#)
To: [Mary Deneen](#); [Carey Price](#)
Subject: Fwd: KEO's Testimony House Bill 1439 HD2 SD1 Relating to Eviction Mediation-- April 04, 2023
Date: Tuesday, April 4, 2023 7:12:14 AM

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From: keo@keoinc.org <keo@keoinc.org>
Sent: Tuesday, April 4, 2023 6:20 AM
To: Sen. Donovan Dela Cruz <sendelacruz@capitol.hawaii.gov>;
senkeithagaran@capitol.hawaii.com <senkeithagaran@capitol.hawaii.com>
Subject: Re: KEO's Testimony House Bill 1439 HD2 SD1 Relating to Eviction Mediation-- April 04, 2023

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Testimony
by
MaBel Ferreiro Fujiuchi
Chief Executive Officer
Kauai Economic Opportunity, Incorporated (KEO)
HB 1439 HD2 SD1
Relating to Eviction Mediation
Tuesday, April 04, 2023
to
Committee on Ways and Means
Chairperson Senator Donovan Dela Cruz, Vice Chairperson Senator Gilbert S.C. Keith-Agaran, and Committee Members

Good Morning Chairperson Dela Cruz, Vice Chairperson Keith Agaran and Members of the Committee:

First, I want to thank you for all of the most important work that you do. Your

work affects so many in such great ways addressing vital needs. I want to also express my gratefulness for the many years(decades!) you have allowed me to testify before the Legislature resulting in immeasurable positive outcomes.

My name is MaBel Ferreiro Fujiuchi, Chief Executive Officer of Kauai Economic Opportunity, Incorporated, (KEO), and I come before you to testify in support of HB 1439 HD2 SD1 Relating to Eviction Mediation.

Kauai Economic Opportunity, Incorporated (KEO) is the statutorily designated Community Action Agency for Kauai County established in 1965. KEO, has since 1965, provided many services addressing individual and community needs including employment, education for pre school aged to adults, housing, homeless programs, transportation, drug prevention, health, nutrition, outreach, community organization and planning, and many more programs and projects. KEO currently provides services for approximately 4195 individuals annually on Kauai in the areas/programs such as Homeless Emergency and Transitional Shelters, Transitional Housing, Group Homes, Homebound and Congregate Meals for Elderly, Persons in Needs funds, Energy and Weatherization Services, Health Equity Education and Mitigation Services in response to COVID 19, Food and Nutrition, Special Projects, and MEDIATION of which I want to highlight today in my Testimony. KEO administers Federal, State, County and Private funding sources to support all of its programs.

KEO initiated its Mediation Program 40 years ago for the residents of Kauai in 1982 funded Federally via the Law Enforcement Administration Agency and has been able to continue the program in its present time, in a large part, through its partnership, collaboration and membership with the Mediation Centers of Hawaii (MCH). KEO was one of the Founding Partners of MCH 32 years ago which provided quality, stabilization, organization, education, training, and the strength of a statewide organization. The member Mediation Centers located on each of the major islands receive the benefits of MCH including the State of HI Judiciary Contract with MCH for Mediation Services. I understand that all of the membership centers also receive, by application, additional funding from other sources to supplement the funding received through the MCH contract in order to provide needed mediation services for the residents on each island. With all funding received, definitely appreciated and acknowledged, I believe there remain needs unmet with the level of funding received. Specifically, KEO applies for additional funds and receives funds from Kauai United Way, the Hawaii Justice Foundation, the Hawaii Travel and Lodging Tourism Association, donations, and fees from private clients commensurate with their income (fees are waived for economically disadvantaged).

Mediation is a vital need in the community to resolve disputes. As I know that the member MCH Mediation Centers do also provide, KEO provides Mediation Services both in Court, District Court of the 5th Circuit, and the Community at large. Community cases such as landlord/tenant (which recently included the need of the Eviction Diversion Mediation Services to prevent homelessness and promote humanness), employer/employee, family and domestic issues, neighbor disputes, business concerns, civil rights disputes, real estate and condominium disputes, and other disputes---in many cases alleviating the need of legal costs, are provided by KEO Mediation. Of high importance, it is my belief and of many of an accelerated level of understanding and documented research that Mediation is key to preventing escalated results of disputes which at the highest extreme could result in the ultimate loss of life! The process of mediation provides trained mediators, who in most cases are volunteers, assisting and aligning the disputes/disputants towards resolution in a neutral fair process. Specifically, in a year, KEO may serve 800 - 900 individuals in Mediation Services. The extended

exponential results are immeasurable.

HB 1439 HD2 SD1 allows for state wide prelitigation Eviction Mediation , preventing homelessness, and I ask for your support of this bill.

I thank you for the opportunity to present my testimony to you, humbly ask for your consideration and support of my request and am willing to respond to any questions and comments you may have vis a vis this issue. If I am unable to respond to you immediately, I will do so within 48 hours.

Thank you very much and I wish you and yours be and stay well.

MaBel Ferreiro-Fujiuchi

Chief Executive Officer

Kauai Economic Opportunity, Incorporated (KEO)

Kauai Economic Opportunity, Incorporated
2804 Wehe Road
Lihue HI 96766

Ph.: (808) 245-4077
Fax:(808) 245-7476
<http://www.keoinc.org>

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HB-1439-SD-1

Submitted on: 3/31/2023 12:34:30 PM

Testimony for WAM on 4/4/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom a Kanaka Maoli.

I'm writing in SUPPORT of HB1439 HD2 SD1.

We need relief now! This bill would extend rent relief and eviction mediation.

me ke aloha 'āina,
Nanea Lo, Mō'ili'ili

HB-1439-SD-1

Submitted on: 3/31/2023 5:25:40 PM

Testimony for WAM on 4/4/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Angel M. Willey, MD	Individual	Support	Written Testimony Only

Comments:

Submitting my support of HB1439 HD2 SD1

Thank you,

Angel M. Willey, MD

OBGYN Honolulu, HI

HB-1439-SD-1

Submitted on: 4/2/2023 8:20:12 AM

Testimony for WAM on 4/4/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Support	Written Testimony Only

Comments:

Please support HB1439.

An estimated 2,500 evictions are filed each year across the state, which are harmful to the landlords who rely on rent payments, to the tenants who lose their homes, and to our community.

Evictions incurs an estimated \$30 million in costs for public and emergency services needed as a result of evictions.

Mahalo.

HB-1439-SD-1

Submitted on: 4/2/2023 11:37:34 AM

Testimony for WAM on 4/4/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jordan Smith	Individual	Support	Written Testimony Only

Comments:

Please support this important measure to provide stability and relief, and promote self-sufficiency for Hawaii's working class households.

HB-1439-SD-1

Submitted on: 4/2/2023 12:35:06 PM

Testimony for WAM on 4/4/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

HB-1439-SD-1

Submitted on: 4/2/2023 1:25:47 PM

Testimony for WAM on 4/4/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Many Hawai‘i residents continue to face challenges in paying their rent and are faced with the prospect of eviction. Act 57 (2021) encouraged communication and facilitated mediation between landlords and tenants to help reduce summary possession cases.

Research from Hawai‘i Appleseed Center indicates that the mediation procedures created by Act 57 were widely successful in substantially increasing the number of disputes that were settled without a court case, and without resulting in eviction.

This program was highly successful, and Hawai‘i should continue to make use of this system. Please pass HB1439 HD2 SD1.

HB-1439-SD-1

Submitted on: 4/2/2023 10:58:48 PM

Testimony for WAM on 4/4/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cory Harden	Individual	Support	Written Testimony Only

Comments:

Aloha legislators,

Please pass HB1439 HD2 SD1 to continue the successful mediation program for landlords and renters. People without stable housing contribute less to the economy and may end up homeless, requiring government services. Mediation also frees up court calendars.

mahalo,

Cory Harden

HB-1439-SD-1

Submitted on: 4/3/2023 3:07:35 AM

Testimony for WAM on 4/4/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Banner Fanene	Individual	Support	Written Testimony Only

Comments:

I support this Bill. Please pass. Mahalo.

HB-1439-SD-1

Submitted on: 4/3/2023 7:40:49 AM

Testimony for WAM on 4/4/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lawrence S Franco	Individual	Support	Written Testimony Only

Comments:

As a housing advocate for the past 35 years, I have seen more and more the displacement of local residents because the pricing of rentals have become too expensive for our local residents. Our local people need the protection of this legislation. Thank you.

1911 Kalakaua Avenue, Apt. #305
Honolulu, Hawai'i 96815
808.388.3014
islolandia@gmail.com

Monday, April 3, 2023

Chair Nakashima, and Vice Chair Sayama
Senate Committee on Ways and Means (WAM)
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Honorable Chair Dela Cruz and Vice Chair Keith-Agaran:

I strongly support HB1439—Relating to Eviction Mediation, which establishes emergency rental assistance and landlord-tenant, pre-litigation mediation programs, akin to the those successfully put in place in Hawai'i in response to the ongoing COVID-19 pandemic. Programs such as these could have helped me recently, if only they had been available to me in a case I had to remediate myself, supported by some good guidance by Hawai'i's own Lawyers for Equal Justice. Most facing eviction in Hawai'i, as a practical matter, would not have accessed the help I was able to from Lawyers for Equal Justice. And I surmise that this great, but underfunded nonprofit, could, in no way, help all in the state that need the kind of help I did.

Mine was a high stakes case of misunderstanding-turned discrimination and retaliation-turned-eviction, and could, potentially, have lost me my Section 8 voucher forever, had I not been shepherded by a most skilled attorney at Lawyers for Equal Justice. Most tenants facing eviction in Hawai'i I fear now are wholly bereft of a mediation process that worked so well during the pandemic. Nor, as a practical matter, will the estimated 2, 500 residents yearly on the verge of eviction likely be able to receive the help I did from this great, but underfunded nonprofit. And yet, had I not had the help to self-mediate my complex case, I may well have been plunged into houselessness, losing not only my home that I have known for over a decade as a perfect tenant, but my Section 8 rental assistance could well have been cut off forever.

Prior to the help I received, I had been sunk with debilitating anxiety and depression by this personal housing crisis. It was me alone, up against one of the largest property management companies in Honolulu. With that asymmetry of power, things didn't look good for me. It seems also that the property management company was quite content, if not aiming for me to lose my Section 8 assistance. I was almost a sure bet to join the ranks of our struggling homeless.

In my case (as with many), given a range of serious health conditions I suffer from, housing is healthcare. I can only imagine that by not having help in mediation available to me, the negative externalities of houselessness would have been sizable, perhaps reaching the estimated \$70,000 a year in total costs to society that total negative externalities associated with being houseless add up to.

The pandemic has helped to relieve many inefficiencies in the marketplace. One mechanism of doing so was through the previous functions of emergency rental assistance and pre-litigation mediation. We should continue with like programs to bring down the numbers of growing homeless in Hawai'i and the enormous total costs incurred by society when people don't have homes. Please *pass HB1439* to keep our residents from facing the cascading financial and social costs of evictions and to keep residents here at home housed.

Me ka 'oia'i'o,

Shaun Campbell
Honolulu

SJC:bhs
Copy: on file

April 4, 2023

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Ways and Means committee,

Housing Hawai'i's Future is a movement led by young locals who will create opportunities for Hawai'i's next generation by ending the workforce housing shortage.

On behalf of Housing Hawai'i's Future, **I write in SUPPORT of HB 1439**, which establishes and appropriates funds for a pre-litigation mediation pilot program.

We believe that pro-supply and pro-tenant policies can coexist, as outlined by Shane Phillips in his excellent book *The Affordable City: Strategies for Putting Housing Within Reach (and Keeping it There)*.

HB1439 helps address the asymmetry that exists between renters and landlords. It will help to prevent evictions, which have disastrous consequences for renters (especially when families with children are put out onto the street).

Please support HB 1439.

Thank you,



Sterling Higa
Executive Director
Housing Hawai'i's Future

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+1 (808) 782-7868

HB-1439-SD-1

Submitted on: 4/3/2023 10:11:51 AM

Testimony for WAM on 4/4/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Arjuna	Individual	Support	Written Testimony Only

Comments:

Pass landlord-tenant mediation and rent relief

Hearing Date: Tuesday, April 4th at 10:30AM
Senate Committee on Ways and Means (WAM)
Submitted by **Taylor Kaluahine Lani**
HB1439 - Relating to Eviction Mediation

Dear Chair Dela Cruz and Vice Chair Keith-Agaran,

I, Taylor Kaluahine Lani, Associate Executive Director of PAL Kaua'i, a non-profit affordable housing developer on Kaua'i is submitting testimony in STRONG SUPPORT OF HB1439, which establishes and funds a pre-litigation mediation pilot program and supplementary emergency rent relief program. We also provide suggested amendments to strengthen the legislation. Since the beginning of the COVID-19 pandemic in early 2020, Hawai'i established a temporary emergency rental assistance and landlord-tenant mediation program to prevent evictions and slow the spread of the COVID-19 virus. Combined, these programs have kept tens of thousands of families stably housed during the pandemic. HB1439 will help build a bridge towards more permanent rental assistance and mediations programs in the future.

Even as the health threats of the pandemic subside, rent assistance remains a critical component to ensuring housing stability and preventing evictions. According to recent research by Hawai'i Appleseed Center for Law and Economic Justice, there are an estimated 2,500 evictions filed each year across the state. Evictions are harmful to our housing ecosystem and the landlords who rely on rent payments and consistent tenants. Evictions are especially harmful to the individual or family losing their home and in severe cases can lead to homelessness. The cost of eviction on individuals and households include, but is not limited to: interrupted employment and school leading to a loss of wages; negative health impacts, such as anxiety and depression, and; impaired legal records which make it harder to find future housing.

Evictions also create large public costs. According to estimates provided by the "Eviction Cost Calculator", developed by Innovation for Justice, a social justice-focused legal innovation lab housed at both Arizona Law and University of Utah School of Business, Hawai'i's estimated 2,500 annual evictions led to over \$30 million in public costs. These costs result from the increased need for emergency shelters, in-patient care emergency room at hospitals, and foster care and juvenile detention. According to research by Hawai'i Appleseed Center for Law and Economic Justice, for every tax dollar spent on rental assistance and landlord-tenant mediation programs, the public saves six dollars on homeless services.

Recommendations to Strengthen HB1439

Based on research completed by the Hawai'i Appleseed Center for Law and Economic Justice and the Urban Institute, HB1439 could be strengthened through the following amendments:

- **Increase total program funding to at least \$14.378 million, appropriating \$3.128 million to support program administration, outreach, and navigation services.** This amount would cover emergency rent assistance providers and mediation centers' administration, staff and outreach costs.
- **Cap the total amount of rent relief available to a household at \$8,000 – \$5,000 to cover arrears, plus six-monthly payments of \$500 to cover future rent.**

Establishing a rental assistance and landlord-tenant mediation program is a necessary step to reduce the social and financial harm caused by evictions. Please PASS **HB1439 HD2 SD1**, and consider the suggestions above, to help prevent evictions and keep our island residents housed.

Mahalo for the opportunity to testify.
Taylor Kaluhaine Lani

LATE

HB-1439-SD-1

Submitted on: 4/3/2023 11:16:13 AM

Testimony for WAM on 4/4/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rev. Samuel L Domingo	Individual	Support	Written Testimony Only

Comments:

Hearing Date: Tuesday, April 4th at 10:30AM

Senate Committee on Ways and Means (WAM)

HB1439 - Relating to Eviction Mediation

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Mahalo for the opportunity to testify.

HB-1439-SD-1

Submitted on: 4/3/2023 9:44:08 PM

Testimony for WAM on 4/4/2023 10:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
jeanne wheeler	Individual	Support	Written Testimony Only

Comments:

Please pass this helpful bill - Mahalo, JW