

SCR-78

Submitted on: 3/21/2023 7:53:15 PM

Testimony for JDC on 3/23/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Celeste M. Gonsalves	Individual	Support	In Person

Comments:

I Strongly Support SCR78. I am requesting for an amendment to this Resolution to include Residential Evictions that were ruled on by way of a Motion for Summary Judgment as well.

I brought this proposal to Senator Chris Lee's office as a New Bill ten months ago. I kept in touch with the office staff. When the new session begun, I submitted my formal New Bill Proposal with exhibits and other documentets for consideration. It was determined by Senator Chris Lee that a Resolution to conduct research on the issues of landlord/tenant and the imbalance for pro se litigants would be the best first step.

Motion for Summary Judgment for Possession has become an easy "Go To" solution for district court judges to encourage attorneys representing landlords in evictions case because Hawaii Judicial procedures have adopted and determined that there are only three factors needed for eviction if a Motion for Summary Judgment is filed, however these factors are not listed in any rule or law..

These three factors are: 1.) A Residential Unit was Rented 2.) A Residential Lease was Acquired by the Parties involved in the Complaint for Possession 3.) and there must be an Expired Lease. Tenants are being blindsided by these judges because all three factors are already fulfilled at the time a Complaint for Possession is filed. This means that tenants do not have recourse for a fair trial to defend the allegations in the actual Complaint itself. The Motion for Summary Judgment rules are not being respected, and judges are motivated to reduce their case loads with the easiest path possible without any consideration for the tenant or his or her right to a fair trial.

Hawaii District Court Judges are providing legal advice to attorneys and convincing them to file a Motion for Summary Judgment, which is biased against the tenant in open court. The tenant, with little or no knowledge of the law, is left confused with an instant Writ of Possession, but without experiencing access to justice in a fair trial to possibly prove the allegations to be false.

I will be presenting testimony in person at the hearing.

Thank you.