

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 1439  
H.D. 2  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 1439, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EVICTION MEDIATION,"

begs leave to report as follows:

The purpose and intent of this measure is to reduce the number of residential tenant evictions and decrease the number of eviction cases in the court system.

More specifically, the measure:

- (1) Establishes a pilot program that adopts the most effective provisions of Act 57, Session Laws of Hawaii 2021 (Act 57), that:
  - (A) Extends the period for a notice of termination of the rental agreement from five business days to ten calendar days;
  - (B) Requires landlords to engage in mediation and delay filing an action for summary possession if a tenant schedules or attempts to schedule a mediation; and
  - (C) Requires landlords to provide specific information in the ten-calendar-day notice to tenants, which



shall also be provided to a mediation center that offers free mediation for residential landlord-tenant disputes;

- (2) Appropriates funds for the pre-litigation mediation pilot program; and
- (3) Establishes and appropriates funds for an emergency rent relief program for participants in pre-litigation mediation, to provide resources that will help tenants avoid eviction and maintain stable tenancies.

Your Committee received written comments in support of this measure from the Department of Human Services; Judiciary; Hawaii Public Housing Authority; AlohaCare; Catholic Charities Hawaii; Hawaii Children's Action Network Speaks!; Papa Ola Lokahi; Hawaii State Coalition Against Domestic Violence; Hawaiian Humane Society; Ku`ikahi Mediation Center; Mediation Center of the Pacific, Inc.; Housing Hawaii's Future; and numerous individuals.

Your Committee received written comments on this measure from the Chamber of Sustainable Commerce, Hawaii Housing Affordability Coalition, Hawaii Realtors, Hawaii Appleseed Center for Law and Economic Justice, and PAL Kauai.

Your Committee finds that this measure, which temporarily re-establishes the widely successful mediation procedures created by Act 57, will improve housing stability for more renters in the State by increasing the number of disputes that may be settled without filing a summary possession case in court, and by increasing the number of settlements in which the parties agree that the tenant may continue residing in the dwelling unit.

Your Committee has amended this measure by:

- (1) Clarifying that a ten-calendar-day notice mailed to a tenant shall be deemed to have been received two business days after the date of the postmark;
- (2) Clarifying that the cap on the total amount of payments made to participants each year under the Emergency Rent Relief Program pertains to the fiscal year and not the calendar year; and



- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1439, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1439, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
DONOVAN M. DELA CRUZ, Chair



