

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 822
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 822, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize a landlord to petition a district court for a temporary restraining order, permanent restraining order, or injunction to compel a tenant's compliance with section 521-51, Hawaii Revised Statutes;
- (2) Establish a working group facilitated by the Judiciary to conduct a comprehensive review of and recommend updates to the Residential Landlord-Tenant Code; and
- (3) Require a report to the Legislature.

Your Committee received testimony in support of this measure from the Judiciary, Kalihi Palama Neighborhood Board No. 15, and Hawai'i Association of REALTORS.

Your Committee received testimony in opposition to this measure from the Honolulu Police Department.



Your Committee finds that there are many instances where tenants violate rules and laws relating to their tenancy, such as continuous noise violations, smoking in a non-smoking building, storing illegal fireworks, or threatening to kill neighbors. These violations impact the health, safety, and quality of life of everyone subjected to such acts. Presently, the only option a landlord has to end the violations is to bring an eviction lawsuit against the violating tenant. However, eviction lawsuits may take two to three months to resolve.

Your Committee further finds that occasionally, tenants who are unlawfully removed or excluded from dwelling units by their landlords or have certain utilities intentionally interrupted occasionally seek temporary restraining orders and injunctive relief under existing law. However, the Landlord-Tenant Code does not currently contain a specific statutory process for these types of temporary restraining orders, timeframes for filing, service, and hearings of the restraining orders, or specific remedies available to tenants if landlords violate the temporary restraining order, leaving tenants with little guidance when filing these cases. Your Committee believes that the working group established by this measure should be allowed to discuss problems faced by both landlords and tenants and to explore possible statutory solutions to help landlords and tenants enforce their rights before amending the Landlord-Tenant Code. This measure will provide necessary information to the Legislature to update the Landlord-Tenant Code to ensure the fair and equitable enforcement of both tenant and landlord rights under the Code.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have authorized a landlord to petition a district court for a temporary restraining order, permanent restraining order, or injunction to compel a tenant's compliance with section 521-51, Hawaii Revised Statutes;
- (2) Requiring the working group established by this measure to:
 - (A) Review existing mechanisms available to both landlords and tenants for the enforcement of rights under the Landlord-Tenant Code; and



- (B) Consider the feasibility of statutory processes through which injunctive relief might be obtained; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 822, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 822, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

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| Bill / Resolution No.:* SB 822, SD1 | Committee Referral: CPN, JDC | Date: 2/20/25 | | | | | | | |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | | | | | | |
| The Recommendation is: <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div> | | | | | | | | | |
| Members | Aye | Aye (WR) | Nay | Excused | | | | | |
| RHOADS, Karl (C) | ✓ | | | | | | | | |
| GABBARD, Mike (VC) | | | | ✓ | | | | | |
| CHANG, Stanley | ✓ | | | | | | | | |
| SAN BUENAVENTURA, Joy A. | ✓ | | | | | | | | |
| AWA, Brenton | | | ✓ | | | | | | |
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| TOTAL | 3 | | 1 | 1 | | | | | |
| Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div> | | | | | | | | | |
| Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div> | | | | | | | | | |
| <table style="width: 100%; font-size: small;"> <tr> <td style="width: 25%;">Distribution:</td> <td style="width: 25%;">Original File with Committee Report</td> <td style="width: 25%;">Yellow Clerk's Office</td> <td style="width: 25%;">Pink Drafting Agency</td> <td style="width: 20%;">Goldenrod Committee File Copy</td> </tr> </table> | | | | | Distribution: | Original File with Committee Report | Yellow Clerk's Office | Pink Drafting Agency | Goldenrod Committee File Copy |
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*Only one measure per Record of Votes