



The Judiciary, State of Hawai'i

**Testimony to the Thirty-Third State Legislature
2025 Regular Session**

Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Thursday, February 20, 2025 at 10:01 a.m.
Conference Room 016 & Videoconference

By:

Michelle D. Acosta
Deputy Chief Court Administrator
District Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 822, SD1 – Relating to the Landlord Tenant Code.

Purpose: Authorizes 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, HRS. Establishes a working group facilitated by the Judiciary to conduct a comprehensive review of and recommend updates to the Residential Landlord-Tenant Code. Requires a report to the Legislature. Effective 7/1/2050. (SD1)

Judiciary's Position:

The Judiciary supports Section 2 of the bill, which would establish a residential landlord-tenant code working group to conduct a comprehensive review of the residential landlord-tenant code.

With respect to Section 1 of the bill, the Judiciary appreciates the Committee on Commerce and Consumer Protection's consideration to separate requests for a temporary restraining order ("TRO") and injunctive relief from summary possession proceedings. After reviewing the testimony from other stakeholders, the Judiciary suggests that the residential landlord-tenant working group be allowed to review existing mechanisms available to both landlords *and* tenants for the enforcement of rights under the landlord-tenant code and to consider the feasibility of statutory processes through which injunctive relief might be obtained. Currently, tenants who are unlawfully removed or excluded from dwelling units by their landlords in violation of Haw. Rev. Stat. 521-63(c) occasionally seek temporary restraining orders and injunctive relief in district court. Likewise, tenants whose water, electricity, gas, or other utilities have been intentionally interrupted in violation of Haw. Rev. Stat. 521-74.5 occasionally seek temporary restraining orders and injunctive relief in district court. However, the landlord-tenant code does not currently contain a specific statutory process for such TROs, timeframes for filing, service, and hearings of such TROs, or specific remedies available to tenants if landlords violate such TROs, which leaves tenants with little guidance when filing such cases. If the Committee on Judiciary is receptive to allowing the working group to discuss problems faced by both landlords and tenants and to explore possible statutory solutions to help landlords and tenants enforce their rights, the Judiciary would suggest that Section 1 be deleted until after the working group reports its findings and recommendations, including any proposed legislation, to the legislature.

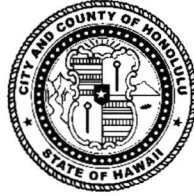
Thank you for the opportunity to submit testimony on this measure.

HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE **ST-JK**

February 20, 2025

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
415 South Beretania Street, Room 016
Honolulu, Hawai'i 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 822, S.D. 1, Relating to the Landlord Tenant Code

I am Major Stason Tanaka of District 7 (East Honolulu) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 822, S.D. 1, Relating to the Landlord Tenant Code. Landlord-tenant disputes have historically been considered civil in nature and are therefore adjudicated in civil court. In contrast, restraining orders historically revolved around criminal violations and are granted to safeguard the petitioner from physical harm.

Allowing restraining orders to be based upon a tenant's noncompliance with Hawai'i Revised Statutes Section 521-51, Tenant to Maintain Dwelling Unit, would unnecessarily subject individuals to restraining orders for noncriminal acts, for example, but not limited to, the improper disposal of one's rubbish or the improper use of household appliances and furniture.


The HPD recommends that landlord-tenant disputes continue to be considered civil in nature and not become a basis for restraining orders as there are already procedures in place that landlords can take in situations in which tenants do not comply with their contractual obligations.

The Honorable Karl Rhoads, Chair
and Members
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The HPD urges you to oppose Senate Bill No. 822, S.D. 1, Relating to the
Landlord Tenant Code.


Thank you for the opportunity to testify.

Sincerely,



Stason Tanaka, Major
District 7

APPROVED:



Arthur J. Logan
Chief of Police

February 20, 2025

The Honorable Karl Rhoads, Chair

Senate Committee on Judiciary
State Capitol, Conference Room 016 & Videoconference

RE: Senate Bill 822, SD1, Relating to the Landlord Tenant Code

HEARING: Thursday, February 20, 2025, at 10:01 a.m.

Aloha Chair Rhoads, Vice Chair Gabbard, 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 Hawaii and its over 10,000 members. HAR **strongly supports** Senate Bill 822, SD1, which authorizes 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, HRS. Establishes a working group facilitated by the Judiciary to conduct a comprehensive review of and recommend updates to the Residential Landlord-Tenant Code. Requires a report to the Legislature. Effective 7/1/2050.

We strongly support the establishment of a working group to address landlord-tenant issues. With 38.2%¹ of Hawai'i residents renting their homes, rental housing is a critical part of Hawaii's housing market. The Residential Landlord-Tenant Code was created in 1972 and has never undergone a comprehensive review. As rental laws grow more complex, landlords, tenants, and property managers face increasing challenges in navigating these processes. This could also discourage property owners from potentially offering their property as rental housing.

Establishing a working group to thoroughly review the Landlord-Tenant Code can help identify these challenges and develop solutions to support and expand more rental housing availability.

Mahalo for the opportunity to provide testimony on this measure.

¹ UHERO. (May 20, 2024). *The Hawai'i Housing Factbook*. <https://uhero.hawaii.edu/wp-content/uploads/2024/05/HawaiiHousingFactbook2024.pdf>

SB-822-SD-1

Submitted on: 2/18/2025 6:34:07 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Amanda Ybanez	Testifying for Kalihi Palama NB # 15	Support	Written Testimony Only

Comments:

In support