



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.C.R. NO. 123, REQUESTING THE ATTORNEY GENERAL TO CONVENE A WORKING GROUP TO DEVELOP LANDLORD-TENANT CODE IMPROVEMENTS TO INCREASE THE SUPPLY OF HOUSING IN HAWAII.

BEFORE THE:

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

DATE: Tuesday, April 1, 2025

TIME: 10:06 a.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Jordan A. K. Ching, Christopher T. Han, or Christopher J. I. Leong,
Deputy Attorneys General

Chair Keohokalole and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

This resolution requests the Attorney General to convene a three-year working group to research landlord-tenant issues specific to increasing the availability of rental housing and improving landlord-tenant interactions.

The Department notes that the topics to be researched by the working group extend beyond the Department's legal role and areas of subject-matter specialization. For example, the resolution calls for the working group to identify the potential availability of rental housing stock that is not being offered for rent, a task better suited for either real estate professionals or consultants or State agencies with subject matter expertise in housing. The resolution also calls for the working group to evaluate financial and procedural barriers to offering or obtaining housing, a task better suited for real estate agents or economists or for State agencies with expertise in housing. As such, the Department recommends that the scope and membership of the working group be adjusted to focus on the real estate and financial aspects of the rental housing issues.

Furthermore, landlord-tenant disputes fall outside the Department's jurisdiction, as the Department is statutorily authorized to generally provide legal services to "the governor, legislature, and such state departments and officers as the governor may direct[.]" and to "give advice and counsel to the heads of departments, district judges, and other public officers, in all matters connected with their public duties[.]" Sections 26-7 and 28-4, Hawaii Revised Statutes (HRS). The Legislative Reference Bureau (LRB) may be better suited to evaluating potential legislative solutions based on its general grant of authority to conduct and provide research for the enactment of substantive legislation. See section 23G-3, HRS. As such, the Department recommends that the Legislature direct another agency more suited for this task to convene a task force or the LRB to conduct a study on the issue.

Thank you for the opportunity to provide comments.

April 1, 2025

The Honorable Jarrett Keohokalole, Chair

Senate Committee on Commerce and Consumer Protection
State Capitol, Conference Room 229 & Videoconference

RE: Senate Concurrent Resolution 123

HEARING: Tuesday, April 1, 2025, at 10:06 a.m.

Aloha Chair Keohokalole, Vice Chair Fukunaga, 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 and offers amendments** to Senate Concurrent Resolution 123 requesting the Attorney General to convene a Working Group to develop Landlord-Tenant Code improvements to increase the supply of housing in Hawaii.

Tenants struggling to make ends meet may face uncertainty about their options and available protections. On the other hand, if a housing provider has a tenant who is not paying rent or violating other provisions of a rental agreement, they must go through a lengthy and time-consuming court process to seek remedy. This could discourage property owners from offering or continuing to offer their properties as rental housing. Establishing a Working Group could help explore possible solutions such as early mediation and alternative dispute resolution methods that are more accessible to tenants, promoting fair and efficient conflict resolution between renters and housing providers.

A large number of housing providers in Hawai'i are mom-and-pop landlords who are not professional property managers and are without regular access to education on the continuously evolving requirements of the Residential Landlord-Tenant Code leading to additional confusion. The Working Group could examine ways to improve tenant and mom-and-pop landlord education and expand access to critical resources, such as legal aid and rental assistance programs. Exploring these options and more could help tenants maintain stable housing while providing housing providers with a clearer framework for resolving disputes amicably.

We commend the legislature for its leadership on this issue and respectfully request the following amendments to replace the Attorney General with the Judiciary as the Judiciary has agreed to lead the Working Group, as well as other clarifying amendments.

Mahalo for the opportunity to provide testimony on this measure.

Suggested Amendments to SCR 123:

BE IT RESOLVED by the Senate of the Thirty-third Legislature of the State of Hawaii, Regular Session of 2025, the House of Representatives concurring, that the **Attorney General Judiciary** is requested to convene a three-year working group to research landlord-tenant issues specific to increasing the availability of rental housing and improving landlord-tenant interactions, including:

~~(1) Identifying the potential availability of rental housing stock that is not being offered for rent;~~

(21) Evaluating the challenges faced by landlords and tenants, including legal, financial, and procedural issues that are barriers to offering or obtaining housing;

(32) Best practices and potential landlord-tenant code or other regulatory improvements for property managers, tenants, and property owners;

(43) Determining problem areas that impact property managers, tenants, and property owners and whether educational resources or other solutions can help address those challenges; and

(54) Exploring any other feasible ideas or relevant solutions, pursuant to the discretion of the working group; and

BE IT FURTHER RESOLVED that the working group is requested to comprise the following members:

(1) ~~The Attorney General, or the Attorney General's designee, The Chief Justice of the Hawaii Supreme Court, or the Chief Justice's designee~~, who is requested to serve as the Chairperson of the working group;

(2) The President of the Senate, or the President's designee;

(3) The Speaker of the House of Representatives, or the Speaker's designee;

~~(4) A representative from the Judiciary with experience in landlord-tenant cases;~~

(54) An attorney specializing in landlord-tenant laws, to be invited by the Chairperson;

(65) One member who owns the property they are managing, but is not a real estate licensee, to be invited by the Chairperson;

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- (76) Two members from organizations representing professional property managers--one to be invited by the President of the Senate or the President's designee and one to be invited by the Speaker of the House of Representatives or the Speaker's designee;
- (87) Two members from organizations representing tenant concerns--one to be invited by the President of the Senate or the President's designee and one to be invited by the Speaker of the House of Representatives or the Speaker's designee; and
- (98) Any other member deemed necessary that provides the appropriate special expertise, including representatives from organizations with experience in landlord or tenant issues, upon approval by the chairperson; and

BE IT FURTHER RESOLVED that an initial meeting of the working group be convened no later than July 1, 2025; and

BE IT FURTHER RESOLVED that the working group is requested, with the assistance of the ~~Attorney General~~ Judiciary, to submit an initial report no later than twenty days prior to the convening of the Regular Session of 2026; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the President of the Senate, Speaker of the House of Representatives, and ~~Attorney General~~ Chief Justice of the Hawaii Supreme Court.