

STAND. COM. REP. NO. **1622**

Honolulu, Hawaii

APR 04 2023

RE: S.R. No. 70
S.D. 1

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

Sir:

Your Committee on Judiciary, to which was referred S.R.
No. 70 entitled:

"SENATE RESOLUTION REQUESTING THE JUDICIARY TO EXAMINE THE
FREQUENCY OF COMPLAINTS FOR SUMMARY POSSESSION THAT ARE
GRANTED IN FAVOR OF THE LANDLORD WHEN THE LANDLORD IS
REPRESENTED BY COUNSEL AND THE TENANT IS ACTING PRO SE,"

begs leave to report as follows:

The purpose and intent of this measure is to request the
Judiciary to examine the frequency of complaints for summary
possession that are granted in favor of the landlord when the
landlord is represented by counsel and the tenant is acting pro
se.

Your Committee received testimony in support of this measure
from one individual.

Your Committee finds that there is a substantial power
imbalance between landlords and tenants because landlords have the
authority to dictate the living situation of their tenants; there
are no statutory restrictions on the amount that landlords can
increase rent prices; and landlords usually have more financial
resources, allowing them greater access to legal counsel. Evicted
tenants often are already subject to significant financial
restraints, which not only makes retaining legal counsel on short
notice for these tenants unduly burdensome, but often leads to



these tenants having to represent themselves pro se. Your Committee further finds that it is in the State's best interest to minimize the risk of abuse to evicted tenants and protect them from further economic and mental duress. This measure will request the Judiciary to examine the disparity in representation between landlords and evicted tenants so that possible solutions may be identified to help assist evicted tenants.

Your Committee has amended this measure by:

- (1) Amending its title in accordance with its amended purpose;
- (2) Specifying that the Judiciary is requested to examine the frequency of motions for summary judgment, in addition to complaints for summary possession, that result in a judgment in favor of the landlord when the landlord is represented by counsel and the tenant is acting pro se;
- (3) Changing the number of days for the Judiciary to submit a report to the Legislature from twenty days to forty days; and
- (4) Making a technical, nonsubstantive amendment 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 concurs with the intent and purpose of S.R. No. 70, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 70, S.D. 1.

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



KARL RHOADS, Chair



