

Honolulu, Hawaii

APR 26 2024

RE: S.B. No. 2861  
S.D. 1  
H.D. 1  
C.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2861, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EXCLUSIVE LISTING AGREEMENTS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Make certain long-term exclusive listing agreements for the sale of residential real property void and unenforceable under the state law that governs unfair and deceptive practices;
- (2) Prohibit the recording or filing of exclusive listing agreements of any duration with the Bureau of Conveyances; and
- (3) Establish certain remedies for violations.



Your Committee on Conference finds that exclusive listing agreements are agreements that require a homeowner to grant exclusive listing rights for a property over a certain period of time, typically in exchange for a nominal upfront payment. Having been known to last up to forty years, these exclusive listing agreements--which are recorded as liens that run with the property--can impede the owner's ability to sell, refinance, or transfer the property can likewise subject future owners to the agreement without notice. Your Committee on Conference finds that many consumers are enticed into entering these complex agreements without a full understanding of the consequences because companies often deceptively advertise their terms or fail to fully disclose them. Accordingly, it is necessary to prevent unfair exclusive listing agreements from becoming prevalent in the State, and therefore this measure makes certain long-term exclusive listing agreements for the sale of residential real property void and unenforceable.

Your Committee on Conference has amended this measure by inserting an effective date of November 1, 2024.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2861, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2861, S.D. 1, H.D. 1, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

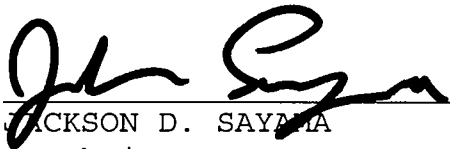
ON THE PART OF THE SENATE



DAVID A. TARNAS  
Co-Chair



JARRETT KEOHOKALOLE  
Chair



JACKSON D. SAYAMA  
Co-Chair



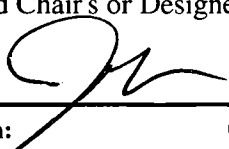
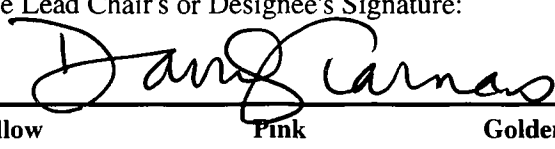
ANGUS L.K. MCKELVEY  
Co-Chair



SCOTT Y. NISHIMOTO  
Co-Chair



**Record of Votes of a  
Conference Committee**

Bill / Concurrent Resolution No.: <b>SB 2861, SD 1, HD 1</b>					Date/Time: <b>4/26/24 / 2:20pm</b>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
KEOHOKALOLE, Jarrett, Chr.	/				TARNAS, David A., Co-Chr.	/			
MCKELVEY, Angus L.K., Co-Chr.	/				SAYAMA, Jackson D., Co-Chr.	/			
AWA, Brenton				/	NISHIMOTO, Scott Y., Co-Chr.	/			
					AMATO, Terez	/			
					TAM, Adrian K.	/			
					PIERICK, Elijah	/			
<b>TOTAL</b>	2			1	<b>TOTAL</b>	6			
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 				
<b>Distribution:</b>		<b>Original</b> <i>File with Conference Committee Report</i>	<b>Yellow</b> <i>House Clerk's Office</i>	<b>Pink</b> <i>Senate Clerk's Office</i>	<b>Goldenrod</b> <i>Drafting Agency</i>				