



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Commerce, Consumer Protection, and Health

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

Monday, February 11, 2019, 9:30 am

State Capitol, Conference Room 229

by

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WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 1532, Relating to Landlord-Tenant Court

Purpose: Establishes the landlord-tenant courts.

Judiciary's Position:

The Judiciary respectfully opposes this measure.

This bill would have a wide-sweeping impact on the circuit courts - jurisdictionally, administratively, organizationally, and most certainly operationally. In Fiscal Year 2016-17, the 1,600+ summary possession cases represented a substantial proportion of the First Circuit district court civil caseload and if this bill had been in effect, would have brought an over 75% increase to the total First Circuit civil circuit court caseload that year. Under this bill, all of those cases would be the responsibility of the circuit judge designated by the chief justice as "Landlord Tenant Court" judge. The workload would warrant more than one judge to be assigned in the First Circuit. This would prevent these designated judges from sitting in other civil and/or criminal cases. This further increases the remaining judge's caseloads in the civil and criminal divisions and compresses other calendars and jury trials into far fewer court days.

Currently, the landlord-tenant code specifies that the proper venue of a possession case is in the district where the premises is located. Unlike the District Courts which have multiple divisions, the Circuit Court in each county has only one location. In First Circuit all cases would have to be heard at the Circuit Court location in downtown Honolulu. In the Second Circuit, this



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would mean that outer district litigants (Hāna, Lahaina, Lāna‘i, and Moloka‘i) will need to come to Wailuku (Maui) for hearings and trial, often at great time and expense. In the Third Circuit, those in Puna, Ka‘ū, South and North Kohala and Hamākua would be required to utilize court services in either Hilo or Kona. This would negatively impact access to the courts for landlords and tenants.

As housing is a critical issue, landlord-tenant cases warrant special and expedited attention. A specialty landlord-tenant court will provide the advantages of a singular scope and less congested calendar. However, a Circuit Court landlord-tenant court will place a greater financial burden on both the litigants and the court, especially for Second Circuit, which is a three-island circuit.

Landlord-tenant cases and their parties would also lose the benefit of district court's procedural efficiencies - evidenced by district court's cited 169% termination rate in FY 2016-17 - inevitably leading to longer case lifecycles until termination and likely increased costs for litigants.

Finally, planning and implementing the significant workflow shift proposed by this bill would likely require significant administrative and organizational retooling of Judiciary operations, units, and/or positions across each of the four circuits that may not be practicable, particularly by the July 1, 2019, without a commensurate addition of funding and personnel.

Thank you for the opportunity to testify on this measure.