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# A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 127A-14, Hawaii Revised Statutes, is  
2 amended by amending subsections (c) and (d) to read as follows:

3 "(c) The governor or mayor shall be the sole judge of the  
4 existence of the danger, threat, or circumstances giving rise to  
5 a declaration, an extension, or a termination of a state of  
6 emergency in the State or a local state of emergency in the  
7 county, as applicable. This section shall not limit the power  
8 and authority of the governor under section 127A-13(a) (5).

9 (d) Any proclamation issued under this chapter that fails  
10 to state the time at which it will take effect shall take effect  
11 at twelve noon of the day on which it takes effect. A state of  
12 emergency and a local state of emergency shall terminate  
13 automatically sixty days after the issuance of a proclamation of  
14 a state of emergency or local state of emergency, respectively,  
15 [~~or~~] unless extended or terminated by a separate or  
16 supplementary proclamation of the governor or mayor [~~, whichever~~  
17 ~~occurs first~~]."



1 SECTION 2. Section 127A-30, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) Whenever the governor declares a state of emergency  
5 for the entire State or any portion thereof, or a mayor declares  
6 a local state of emergency for the county or any portion  
7 thereof, or when the State, or any portion thereof, is the  
8 subject of a severe weather warning:

9 (1) There shall be prohibited any increase in the selling  
10 price of any commodity, whether at the retail or  
11 wholesale level, in the area that is the subject of  
12 the proclamation or the severe weather warning; ~~and~~  
13 provided that the prohibition may be restricted to  
14 particular commodities in the proclamation;

15 (2) No landlord shall terminate any tenancy for a  
16 residential dwelling unit in the area that is the  
17 subject of the proclamation or the severe weather  
18 warning, except for a breach of a material term of a  
19 rental agreement or lease, or if the unit is unfit for  
20 occupancy as defined in this chapter; provided that:



- 1 (A) Nothing in this chapter shall be construed to  
2 extend a fixed-term lease beyond its termination  
3 date, except that a periodic tenancy for a  
4 residential dwelling unit may be terminated by  
5 the landlord upon forty-five days' written  
6 notice:
- 7 (i) When the residential dwelling unit is sold  
8 to a bona fide purchaser for value; or  
9 (ii) When the landlord or an immediate family  
10 member of the landlord will occupy the  
11 residential dwelling unit; or
- 12 (B) Under a fixed-term lease or a periodic tenancy,  
13 upon forty-five days' written notice, a landlord  
14 may require a tenant or tenants to relocate  
15 during the actual and continuous period of any  
16 repair to render a residential dwelling unit fit  
17 for occupancy; provided that:
- 18 (i) Reoccupancy shall first be offered to the  
19 same tenant or tenants upon completion of  
20 the repair;



1 (ii) The term of the fixed-term lease or periodic  
2 tenancy shall be extended by a period of  
3 time equal to the duration of the repair;  
4 and

5 (iii) It shall be the responsibility of the tenant  
6 or tenants to find other accommodations  
7 during the period of repair~~[=]~~; and

8 (3) No landlord shall increase, or give notice of an  
9 increase to, the rent for a residential dwelling unit  
10 in the area that is the subject of the proclamation or  
11 the severe weather warning if the increase was not  
12 contained in a written instrument that was signed by  
13 the tenant prior to the declaration or severe weather  
14 warning."

15 2. By amending subsection (c) to read:

16 "(c) ~~[The prohibitions]~~ Each prohibition under ~~[subsection~~  
17 ~~(a)]~~ :

18 (1) Subsection (a) (1) or (2) shall remain in effect until  
19 twenty-four hours after the severe weather warning is  
20 canceled by the ~~[National Weather Service,]~~ issuing  
21 agency; or in the event of a declaration, ~~[the later~~



1 ~~of a date specified by the governor or mayor in the~~  
2 ~~declaration or ninety-six] seventy-two hours after the~~  
3 ~~effective date and time of the declaration, unless~~  
4 ~~[such] the prohibition is identified and continued [by~~  
5 ~~a supplementary declaration issued by] and the types~~  
6 ~~of commodities are identified by the governor or~~  
7 ~~mayor[. Any proclamation issued under this chapter~~  
8 ~~that fails to state the time at which it will take~~  
9 ~~effect, shall take effect at twelve noon of the day on~~  
10 ~~which it takes effect.] in the proclamation or any~~  
11 ~~supplemental proclamation; or~~

12 (2) Subsection (a) (3) shall remain in effect  
13 until \_\_\_\_\_ days after the severe weather warning  
14 is canceled by the issuing agency; or in the event of  
15 a declaration, the later of a date specified by the  
16 governor or mayor in the declaration or \_\_\_\_\_ days  
17 after the effective date and time of the declaration,  
18 unless the prohibition is continued by a supplementary  
19 declaration issued by the governor or mayor."



1 SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on January 1, 3000.



**Report Title:**

Disasters; Residential Rent Increases; Price Increases;  
Emergency Proclamations; Prohibition

**Description:**

Prohibits residential rent increases in affected areas for an unspecified period after a severe storm warning or issuance of an emergency proclamation. Shortens the duration of price control periods and prohibition against residential-tenancy termination from ninety-six hours to seventy-two hours. Effective 1/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

