



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 10, 2018

GOV. MSG. NO. 1303

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 10, 2018, the following bill was signed into law:

HB1869 HD1 SD1

RELATING TO THE LANDLORD TENANT CODE
ACT 194 (18)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor

ORIGINAL

on JUL 10 2018

HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE, 2018
STATE OF HAWAII

ACT 194

H.B. NO.

1869
H.D. 1
S.D. 1

A BILL FOR AN ACT

RELATING TO THE LANDLORD TENANT CODE.

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

1 SECTION 1. The legislature finds that in the typical
2 residential real estate transaction, buyers take occupancy and
3 control of the property upon closing of escrow and the transfer
4 of title from the seller to the buyer. In some instances, the
5 buyer takes early occupancy of the property through mutually
6 agreeable early occupancy terms. These occupancies are excluded
7 from the landlord-tenant code.

8 Occasionally, however, a seller may improperly maintain
9 occupancy after closing of escrow, or refuse to vacate the
10 property. In such situations, the buyer can suffer significant
11 inconvenience and even monetary damages. In the event a seller
12 remains in possession of the property without a legal right,
13 such as a written lease between the seller and the new owner,
14 the law should be clear that no landlord-tenant relationship has
15 been created by the seller's wrongful occupancy.

16 The purpose of this Act is to provide a specific exemption
17 to the landlord-tenant code for instances in which a seller of



1 residential real property continues to occupy that property
2 after the transfer of the seller's ownership rights.

3 SECTION 2. Section 521-7, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§521-7 Exclusions from application of chapter. Unless
6 created solely to avoid the application of this chapter, this
7 chapter shall not apply to:

8 (1) Residence at an institution, whether public or
9 private, where residence is merely incidental to
10 detention or the provision of medical, geriatric,
11 educational, religious, or similar services;

12 (2) Residence in a structure directly controlled and
13 managed by:

14 (A) The University of Hawaii or any other university
15 or college in the State for housing its own
16 students or faculty or residence in a structure
17 erected on land leased from the university or
18 college by a nonprofit corporation for the
19 exclusive purpose of housing students or faculty
20 of the college or university; or



- 1 (B) A private dorm management company that offers a
2 minimum of fifty beds to students of any college,
3 university, or other institution of higher
4 education in the State;
- 5 (3) Occupancy under a bona fide contract of sale of the
6 dwelling unit or the property of which it is a part
7 where the tenant is, or succeeds to the interest of,
8 the purchaser;
- 9 (4) Residence by a member of a fraternal organization in a
10 structure operated without profit for the benefit of
11 the organization;
- 12 (5) Transient occupancy on a day-to-day basis in a hotel
13 or motel;
- 14 (6) Occupancy by an employee of the owner or landlord
15 whose right to occupancy is conditional upon that
16 employment or by a pensioner of the owner or landlord
17 or occupancy for a period of up to four years
18 subsequent thereto, pursuant to a plan for the
19 transfer of the dwelling unit or the property of which
20 it is a part to the occupant;



- 1 (7) A lease of improved residential land for a term of
2 fifteen years or more, measured from the date of the
3 commencement of the lease;
- 4 (8) Occupancy by the prospective purchaser after an
5 accepted offer to purchase and prior to the actual
6 transfer of the owner's rights;
- 7 (9) Occupancy by the seller of residential real property
8 after the transfer of the seller's ownership rights;
- 9 ~~[(9)]~~ (10) Occupancy in a homeless facility or any other
10 program for the homeless authorized under part XVII of
11 chapter 346;
- 12 ~~[(10)]~~ (11) Residence or occupancy in a public housing
13 project or complex directly controlled, owned, or
14 managed by the Hawaii public housing authority
15 pursuant to the federal low rent public housing
16 program;
- 17 ~~[(11)]~~ (12) Residence or occupancy in a transitional
18 facility for abused family or household members; or
- 19 ~~[(12)]~~ (13) Residence or occupancy in a structure or on a
20 property directly controlled, owned, or managed by the
21 Hawaii public housing authority."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on November 1, 2018.

APPROVED this 10 day of JUL , 2018



GOVERNOR OF THE STATE OF HAWAII



HB No. 1869, HD 1, SD 1

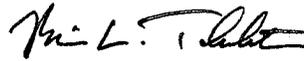
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 25, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives



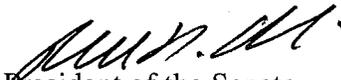
Brian L. Takeshita
Chief Clerk
House of Representatives

H.B. No. 1869, H.D. 1, S.D. 1

THE SENATE OF THE STATE OF HAWAI'I

Date: April 6, 2018
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.


President of the Senate


Clerk of the Senate