

JAN 19 2018

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# 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. Chapter 521, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4       "§521-       Writ of possession; holdover tenants. In any  
5 summary proceeding for recovery of the possession of a dwelling  
6 unit brought pursuant to section 521-71(e), when a landlord has  
7 complied with all notice requirements and the tenant becomes a  
8 holdover pursuant to this chapter, the court shall address the  
9 complaint for summary possession during the first court  
10 appearance of the parties before the court, and not continue the  
11 matter unless good cause is shown by the requesting party. When  
12 a writ of possession has been issued by the court, it shall not  
13 allow the tenant more than fifteen days to vacate the premises  
14 and return full possession of the premises to the landlord  
15 within that time frame."

16       SECTION 2. Section 521-71, Hawaii Revised Statutes, is  
17 amended by amending subsection (e) to read as follows:



1        "(e) Whenever the term of the rental agreement expires,  
2 whether by passage of time, by mutual agreement, by the giving  
3 of notice as provided in subsection (a), (b), (c), or (d) or by  
4 the exercise by the landlord of a right to terminate given under  
5 this chapter, if the tenant continues in possession after the  
6 date of termination without the landlord's consent, the tenant  
7 may be liable to the landlord for a sum not to exceed twice the  
8 monthly rent under the previous rental agreement, computed and  
9 prorated on a daily basis, for each day the tenant remains in  
10 possession. The landlord may bring a summary proceeding for  
11 recovery of the possession of the dwelling unit at any time  
12 during the first sixty days of holdover. Should the landlord  
13 fail to commence summary possession proceedings within the first  
14 sixty days of the holdover, in the absence of a rental  
15 agreement, a month-to-month tenancy at the monthly rent  
16 stipulated in the previous rental agreement shall prevail  
17 beginning at the end of the first sixty days of holdover. In  
18 any district court proceeding brought by the landlord under this  
19 section, the court shall expedite the proceeding so that the  
20 landlord is not unduly prejudiced by the delay in returning  
21 possession of the dwelling unit to the landlord."



# S.B. NO. 2608

1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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# S.B. NO. 2608

**Report Title:**

Landlord-tenant Code; Landlords; Holdover Tenants; Summary Possession Proceedings; Writ of Possession

**Description:**

In a summary possession proceeding brought by a landlord against a holdover tenant: requires the court to address the complaint for summary possession during the first court appearance of the parties; prohibits a writ of possession from allowing the tenant more than fifteen days to vacate the premises; and specifies that the court shall expedite the proceeding so that the landlord is not unduly prejudiced by the delay.

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

