

JAN 21 2021

---

---

# 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 Hawaii has one of  
2 the highest percentages of renter households in the nation, with  
3 forty-three per cent of households consisting of renters. The  
4 legislature recognizes that the State also has the lowest amount  
5 of affordable housing in the nation, resulting in thousands of  
6 families, many of whom are already facing eviction, being unable  
7 to find alternative housing. The legislature further recognizes  
8 that evictions increase homelessness, unemployment, crime, and  
9 mental and physical illness. Further, children who experience  
10 an eviction often show signs of slower academic progress and  
11 other developmental impairments. Additionally, each eviction  
12 results in significant financial and social costs to the evicted  
13 household and the surrounding community.

14           The legislature believes that eviction procedures must  
15 carefully balance the landlord's need for sufficient enforcement  
16 against the tenant's need for sufficient protection. The  
17 legislature further finds that without adequate safeguards,



1 tenants may become targets for abuse during these eviction  
2 proceedings. Currently, the residential landlord-tenant code  
3 makes it difficult for tenants to defend themselves against  
4 wrongful evictions. While the code clearly outlines landlords'  
5 responsibilities, it fails to provide tenants with suitable  
6 methods of recourse and ways to hold landlords accountable in  
7 various situations.

8 The legislature acknowledges that landlords are prohibited  
9 from retaliating against tenants who request repairs to their  
10 respective homes or complain about health or safety code  
11 violations. However, although the residential landlord-tenant  
12 code guarantees compensation for other landlord offenses, it  
13 also places on the tenant the burden of proving entitlement to  
14 compensation for a landlord's retaliation. The result is often  
15 that tenants who have been retaliated against are not made  
16 whole, allowing landlords to continue these retaliatory  
17 practices.

18 Accordingly, the purpose of this Act is to specify the  
19 amount of damages recoverable by a tenant who is subjected to an  
20 unlawful retaliatory eviction.



S.B. NO. 162

1 SECTION 2. Section 521-74, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) Any tenant from whom possession has been recovered or  
4 who has been otherwise involuntarily dispossessed, in violation  
5 of this section, is entitled to recover [~~the~~] damages [~~sustained~~  
6 ~~by the tenant~~] in an amount equal to two months' rent, and the  
7 cost of suit, including reasonable attorney's fees."

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

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

13 SECTION 5. This Act shall take effect upon its approval.

14

INTRODUCED BY: 



# S.B. NO. 162

**Report Title:**

Housing; Residential Landlord-Tenant Code; Retaliatory Evictions; Damages

**Description:**

Specifies that the amount of damages recoverable by a tenant subjected to an unlawful retaliatory eviction is equal to two months' rent.

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

