
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
5 inventory of affordable housing in the nation, resulting in
6 thousands of families, many of whom are already facing eviction,
7 being unable to find alternative housing. The legislature
8 further recognizes that evictions increase homelessness,
9 unemployment, crime, and mental and physical illness. Further,
10 children who experience an eviction often show signs of slower
11 academic progress and other developmental impairments.
12 Additionally, each eviction results in significant financial and
13 social costs to the dispossessed household and the surrounding
14 community.

15 The legislature believes that eviction procedures must
16 carefully balance the landlord's need for sufficient enforcement
17 against the tenant's need for sufficient protection. The



1 legislature further finds that without adequate safeguards,
2 tenants may become targets for abuse during these eviction
3 proceedings. Currently, the residential landlord-tenant code
4 makes it difficult for tenants to defend themselves against
5 wrongful evictions. While the code clearly outlines landlords'
6 responsibilities, it fails to provide tenants with suitable
7 methods of recourse and ways to hold landlords accountable in
8 various situations.

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

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



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[7] and without court order, is entitled to
6 recover [the] damages [~~sustained by the tenant~~] in an amount
7 equal to two months' rent and the cost of suit, including
8 reasonable attorney's fees."

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

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 Statutory material to be repealed is bracketed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

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



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. (SD1)

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