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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. Chapter 127A, Hawaii Revised Statutes, is  
2 amended by adding six new sections to be appropriately  
3 designated and to read as follows:

4           "§127A-       Eviction moratorium. (a) Whenever the  
5 governor declares a state of emergency for the entire State or  
6 any portion thereof, or a mayor declares a local state of  
7 emergency for the county or any portion thereof, no court having  
8 jurisdiction of an action for summary possession pursuant to  
9 chapter 666 or other form of eviction action shall:

10           (1) Enter a judgment for possession or default judgment  
11           for possession for the plaintiff of a residential  
12           dwelling unit;

13           (2) Issue a writ of possession for a residential dwelling  
14           unit;

15           (3) Accept for filing a complaint for possession of a  
16           residential dwelling unit; or



1       (4) Deny, upon the request of a defendant, a stay of  
2       execution of a writ of possession or motion for  
3       continuance of a summary possession proceeding.

4       (b) Any deadline or time period for action by a defendant  
5       in a summary possession proceeding, such as a date to answer a  
6       complaint or appeal a judgment for possession, shall be tolled  
7       until the later of a date specified by the governor or mayor in  
8       the declaration or ninety-six hours after the effective date and  
9       time of the declaration, unless the prohibition is continued by  
10      a supplementary declaration issued by the governor or mayor.  
11      Any proclamation issued under this chapter that fails to state  
12      the time at which it will take effect, shall take effect at  
13      twelve noon of the day on which it takes effect.

14      (c) No sheriff, deputy sheriff, police officer, or  
15      independent civil process server from the department of law  
16      enforcement's list under section 353C-11, shall execute a writ  
17      of possession until the later of a date specified by the  
18      governor or mayor in the declaration or ninety-six hours after  
19      the effective date and time of the declaration, unless the  
20      prohibition is continued by a supplementary declaration issued  
21      by the governor or mayor. Any proclamation issued under this



1 chapter that fails to state the time at which it will take  
2 effect, shall take effect at twelve noon of the day on which it  
3 takes effect.

4 §127A- Foreclosure moratorium. (a) Whenever the  
5 governor declares a state of emergency for the entire State or  
6 any portion thereof, or a mayor declares a local state of  
7 emergency for the county or any portion thereof, no creditor,  
8 mortgagee or mortgagee's agent, person with an estate in the  
9 land mortgaged, person authorized by a power of sale pursuant to  
10 part II of chapter 667, person with right of entry, or attorney  
11 representing a foreclosing mortgagee, shall for the purposes of  
12 foreclosure of a residential property:

13 (1) Publish a public notice of public sale pursuant to  
14 section 667-21;

15 (2) Enforce a power of sale pursuant to section 667-39;

16 (3) Exercise a right of entry; or

17 (4) Initiate an action for summary possession pursuant to  
18 chapter 666.

19 (b) Any deadline or time period for action by a party to a  
20 foreclosure proceeding, such as a date to respond to a notice or  
21 appeal a judgment, shall be tolled until the later of a date



1 specified by the governor or mayor in the declaration or ninety-  
2 six hours after the effective date and time of the declaration,  
3 unless the prohibition is continued by a supplementary  
4 declaration issued by the governor or mayor. Any proclamation  
5 issued under this chapter that fails to state the time at which  
6 it will take effect, shall take effect at twelve noon of the day  
7 on which it takes effect.

8       (c) No sheriff, deputy sheriff, police officer, or  
9 independent civil process server from the department of law  
10 enforcement's list under section 353C-11, shall enforce any writ  
11 of possession, a writ of assistance, or any other relief action  
12 brought pursuant to section 667-33(c) until the later of a date  
13 specified by the governor or mayor in the declaration or ninety-  
14 six hours after the effective date and time of the declaration,  
15 unless the prohibition is continued by a supplementary  
16 declaration issued by the governor or mayor. Any proclamation  
17 issued under this chapter that fails to state the time at which  
18 it will take effect, shall take effect at twelve noon of the day  
19 on which it takes effect.

20       For purposes of this section:

21       "Power of sale" has the same meaning as in section 667-1.



1 "Mortgagee" has the same meaning as in section 667-1.

2 "Residential property" has the same meaning as is section  
3 667-1.

4 §127A- Mortgage deferment. (a) Whenever the governor  
5 declares a state of emergency for the entire State or any  
6 portion thereof, or a mayor declares a local state of emergency  
7 for the county or any portion thereof, mortgagors of residential  
8 property in the area subject to the emergency order may request  
9 and receive a three-year mortgage deferment. These mortgagors  
10 may also request and receive an additional deferment as  
11 authorized under this section.

12 (b) The repayment period for mortgages under the deferment  
13 established in this section shall be extended by the same number  
14 of months as the deferment period. The terms and conditions of  
15 the original mortgage, except for default, delinquency during  
16 deferment, and related fees or penalties, shall remain unchanged  
17 during the deferment and the extended period.

18 (c) Mortgagees granting a deferment under this section  
19 shall provide mortgagors with written confirmation of the  
20 approved deferment, information about the deferment process, and  
21 instructions for requesting an additional deferment.



1        (d) This section does not affect the property tax and  
2 insurance obligations of mortgagors related to any residential  
3 property in the State or county.

4        (e) The Hawaii emergency management agency shall, within  
5 one month of the effective date of this Act:

6        (1) Notify mortgagors about the deferment program; and

7        (2) Publish information about eligibility and the  
8 deferment process on the department's website.

9        (f) For purposes of this section:

10       "Mortgagee" has the same meaning as in section 667-1.

11       "Mortgagor" has the same meaning as in section 667-1.

12       "Residential property" has the same meaning as is section  
13 667-1.

14       **§127A-      Loan deferment.**    (a) Whenever the governor  
15 declares a state of emergency for the entire State or any  
16 portion thereof, or a mayor declares a local state of emergency  
17 for the county or any portion thereof, borrowers may request and  
18 shall receive deferment on commercial, student, or other  
19 consumer loans, including credit extensions, for one hundred  
20 eighty days. No proof of economic hardship shall be required



1 for a borrower to request loan deferment. A borrower may make  
2 the request in writing or electronically.

3 (b) The repayment period of loans under the deferment  
4 shall be extended by the number of months the deferment is in  
5 effect. All original loan terms shall continue, except for  
6 default and delinquency during deferment, without modification.  
7 The creditor shall not charge any fees or penalties for  
8 deferment or early repayment. No interest shall accrue on loans  
9 during the deferment period.

10 **127A- Consumer reporting agencies.** (a) Whenever the  
11 governor declares a state of emergency for the entire State or  
12 any portion thereof, or a mayor declares a local state of  
13 emergency for the county or any portion thereof, no consumer  
14 reporting agency shall include any adverse information resulting  
15 from the state of emergency or local state of emergency in a  
16 credit report for an affected person who notifies the consumer  
17 reporting agency as specified in subsection (c).

18 (b) No user of a credit report shall consider any adverse  
19 information resulting from the state of emergency or local state  
20 of emergency declared by the governor or mayor in a credit



1 report for an affected person who notifies the user as specified  
2 in subsection (e).

3 (c) An affected person may contact any consumer reporting  
4 agency and request exclusion of any adverse information related  
5 to the person obtained by the consumer reporting agency during  
6 the period starting with the adoption of the state of emergency  
7 or local state of emergency. Exclusion of any adverse  
8 information shall last ninety days after the end of that state  
9 of emergency or local state of emergency.

10 (d) Any consumer reporting agency that receives a request  
11 under subsection (c) shall respond within five days to the  
12 affected person.

13 (e) An affected person may contact any user of a credit  
14 report and request exclusion of any adverse information related  
15 to the person in a credit report for the same period specified  
16 in subsection (c).

17 (f) Any user of a credit report receiving a request under  
18 subsection (e) shall respond within five days to the affected  
19 person.

20 (g) No fee shall be charged by a consumer reporting agency  
21 for a request made by a consumer under this section.



1 (h) For purposes of this section:

2 "Consumer reporting agency" has the same meaning as in  
3 section 489P-2.

4 "Credit report" has the same meaning as in section 489P-2.

5 §127A- Planned community associations; condominium  
6 associations; insurance requirements; limitations. (a)

7 Whenever the governor declares a state of emergency for the  
8 entire State or any portion thereof, or a mayor declares a local  
9 state of emergency for the county or any portion thereof,  
10 planned community association or condominium association shall  
11 be permitted to require a member or unit owner to purchase  
12 additional insurance beyond what is authorized by applicable  
13 federal and state law and the association's governing documents.

14 (b) For purposes of this section:

15 "Condominium association" has the same meaning as  
16 association under section 514B-3.

17 "Member" has the same meaning as under 421J-2.

18 "Planned community association" has the same meaning as  
19 association under section 421J-2.

20 "Unit owner" has the same meaning as under 514B-3."

21 SECTION 2. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

R. A. Allen



# S.B. NO. 2998

**Report Title:**

Emergency Management; State of Emergency; Local State of Emergency; Eviction Moratorium; Foreclosure Moratorium; Mortgage Deferment; Loan Deferment; Consumer Reporting Agencies; Condominium Associations; Planned Community Associations

**Description:**

Establishes processes and requirements during a state of emergency or local state of emergency related to eviction moratoriums, foreclosure moratoriums, mortgage deferments, loan deferment, adverse information reported to consumer reporting agencies, and insurance requirements for planned community associations and condominium associations.

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

