
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 eight new sections to be appropriately
3 designated and to read as follows:

4 "§127A-A Residential tenants; suspension of rent
5 collection. (a) Whenever the governor issues a proclamation
6 declaring a state of emergency for the entire State or any
7 portion thereof, or a mayor issues a proclamation declaring a
8 local state of emergency for the county or any portion thereof,
9 with respect to any residential dwelling unit in the area that
10 is the subject of the proclamation, the governor or mayor may
11 declare that the landlord of the rental unit shall:

12 (1) Upon receipt of a written request from a tenant of the
13 unit, suspend the collection of rent for the unit for
14 a three-month period, beginning in the month following
15 the landlord's receipt of the request;

16 (2) Upon receipt of a subsequent written request from a
17 tenant of the unit, suspend the collection of rent for



- 1 the unit for an additional three-month period,
2 beginning at the end of the initial period of
3 suspension;
- 4 (3) Accept the foregoing written requests in hardcopy or
5 electronic format, according to the tenant's
6 preference;
- 7 (4) Not require the tenant to prove economic hardship for
8 the purposes of this section;
- 9 (5) Not require the tenant to pay any fees, including late
10 fees, for the rent collection suspension; and
- 11 (6) Send the tenant written notice regarding the date the
12 tenant is obligated to commence paying rent.
- 13 (b) After the end of the suspension period, the landlord
14 may collect the balance of the rent suspended under this
15 section; provided that the suspended rent shall only be
16 collected as part of a periodic payment plan that is of the same
17 duration as the total suspension period.

18 **§127A-B Residential dwelling units; summary possession**
19 **moratorium.** Whenever the governor issues a proclamation
20 declaring a state of emergency for the entire State or any
21 portion thereof, or a mayor issues a proclamation declaring a



1 local state of emergency for the county or any portion thereof,
2 with respect to any residential dwelling unit in the area that
3 is the subject of the proclamation, the governor or mayor may
4 declare that:

5 (1) No court having jurisdiction for an action for summary
6 possession pursuant to chapter 666 or other form of
7 eviction action shall:

8 (A) Accept for filing any complaint or summons for
9 possession of the unit;

10 (B) Enter a judgment or default judgment for a
11 plaintiff for possession of the unit;

12 (C) Issue a writ of possession for the unit; or

13 (D) Deny, upon the request of a defendant, a stay of
14 execution or continuance of the summary
15 possession action;

16 (2) Any deadline or time period for action by the
17 defendant or any party in a summary possession action,
18 including the date to answer a complaint, or to appeal
19 a judgment, shall be extended; and



1 (3) No sheriff, deputy sheriff, or other law enforcement
2 officer shall enforce or levy upon a writ of
3 possession,
4 until the date specified in the proclamation, or if no date is
5 specified, the expiration of the ninety-sixth hour after the
6 effective date and time of the declaration, unless a
7 supplementary proclamation extends the date.

8 **§127A-C Residential property; foreclosure moratorium.**

9 Whenever the governor issues a proclamation declaring a state of
10 emergency for the entire State or any portion thereof, or a
11 mayor issues a proclamation declaring a local state of emergency
12 for the county or any portion thereof, with respect to any
13 residential property, as defined in section 667-1, that is in
14 the area that is the subject of the proclamation, the governor
15 or mayor may declare that:

16 (1) No creditor, mortgagee, or person having estate in the
17 property if mortgaged, or a person authorized by a
18 power of sale pursuant to chapter 667, or right of
19 entry, or the attorney duly authorized by a writing
20 under seal or the legal guardian or conservator of the



1 mortgagee or person acting in the name of the
2 mortgagee or person, shall:
3 (A) Cause publication of notice of a foreclosure sale
4 pursuant to chapter 667;
5 (B) Exercise a power of sale;
6 (C) Exercise a right of entry; or
7 (D) Initiate any action to possess the property;
8 (2) Any deadline or time period for action by a party in
9 foreclosure proceedings, including any deadline to
10 respond to a notice or to appeal a judgment, shall be
11 extended; and
12 (3) No sheriff, deputy sheriff, or other law enforcement
13 officer shall enforce or proceed with any foreclosure
14 sale or action,
15 until the date specified in the proclamation, or if no date is
16 specified, the expiration of the ninety-sixth hour after the
17 effective date and time of the declaration, unless a
18 supplementary proclamation extends the date.
19 **§127A-D Mortgage payments; deferment.** (a) Whenever the
20 governor issues a proclamation declaring a state of emergency
21 for the entire State or any portion thereof, or a mayor issues a



1 proclamation declaring a local state of emergency for the county
2 or any portion thereof, with respect to any mortgaged property,
3 as defined in section 667-1, that is in the area that is the
4 subject of the proclamation, the governor or mayor may declare
5 that the mortgagee of the property shall:

6 (1) Upon receipt of a request from a mortgagor of the
7 property, defer the collection of mortgage payments
8 for up to three years; and

9 (2) Upon receipt of a subsequent request from a mortgagor
10 of the property, defer the collection of mortgage
11 payments for up to _____ years for good cause,
12 as determined by rules adopted pursuant to section
13 127A-25.

14 (b) The repayment period for mortgages under deferment
15 pursuant to this section shall be extended by a period of time
16 equal to the entire period of deferment. The terms and
17 conditions of each original mortgage, except for default,
18 delinquency during deferment, and related fees or penalties,
19 shall remain unchanged during the entire period of deferment.

20 (c) Any mortgagee granting a deferment under this section
21 shall provide the requesting mortgagor written confirmation of



1 the approved deferment, information about the deferment process,
2 and instructions for requesting an extended deferment.

3 (d) This section shall not be construed to amend any
4 mortgagor's property tax or insurance obligations related to the
5 mortgaged property.

6 (e) Within one month of the effective date of Act ,
7 Session Laws of Hawaii 2024, the Hawaii emergency management
8 agency shall:

9 (1) Notify mortgagors of real property within the State
10 about the deferment program; and

11 (2) Publish on the agency's website information about the
12 deferment program, including eligibility requirements.

13 **§127A-E Small business commercial tenants; suspension of**
14 **rent collection and summary possession.** (a) Whenever the

15 governor issues a proclamation declaring a state of emergency
16 for the entire State or any portion thereof, or a mayor issues a
17 proclamation declaring a local state of emergency for the county
18 or any portion thereof, with respect to any rented commercial
19 property in the area that is the subject of the proclamation,
20 the governor or mayor may declare that the landlord of the



1 commercial property, if the tenant is a small business

2 commercial tenant, shall:

3 (1) Upon receipt of a written request from the tenant,
4 suspend the collection of rent for the property,
5 beginning in the month following the landlord's
6 receipt of the request; provided that the landlord
7 shall not be obligated to suspend the collection for a
8 period longer than six months;

9 (2) Accept the foregoing written requests in hardcopy or
10 electronic format, according to the tenant's
11 preference;

12 (3) Not require the tenant to prove economic hardship for
13 the purposes of this section;

14 (4) Not require the tenant to pay any fees, including late
15 fees, for the rent collection suspension; and

16 (5) Send the tenant written notice regarding the date the
17 tenant is obligated to commence paying rent.

18 (b) After the end of the suspension period, the landlord
19 may collect the balance of the rent suspended under this
20 section; provided that the suspended rent shall only be
21 collected as part of a periodic payment plan that is of the same



1 duration as the total suspension period; provided that the
2 landlord and the tenant may mutually agree to a shorter or
3 longer duration.

4 (c) If a small business commercial tenant's lease expires
5 during the period that the proclamation is in effect, and the
6 tenant wishes to remain on the property, the lease shall
7 automatically renew at the current rate of rent, unless, before
8 the proclamation was issued, the tenant expressed in writing the
9 tenant's intent not to renew the lease, or the tenant agreed in
10 writing to a different rate of rent. If the lease is not
11 renewed, and the tenant wishes to remain on the property, the
12 tenant shall continue to pay the landlord rent at the rate paid
13 before the termination of the lease, but shall vacate the unit
14 on the date specified in the proclamation, or if no date is
15 specified, the expiration of the ninety-sixth hour after the
16 effective date and time of the declaration, unless a
17 supplementary proclamation extends the date. No late fees may
18 be assessed or collected for rent accrued during the post-lease
19 period.

20 (d) A landlord subject to this section shall be prohibited
21 from initiating any action for, pursuing, or obtaining summary



1 possession of the unit pursuant to chapter 666, or other form of
2 eviction, until the ninetieth day after the expiration or
3 rescission of the proclamation.

4 (e) For the purposes of this section, "small business
5 commercial tenant" means any entity that:

6 (1) Is a corporation, nonprofit corporation, limited
7 liability company, partnership, limited partnership,
8 sole proprietorship, or other legal entity;

9 (2) Is owned and operated independently of any other
10 corporation, nonprofit corporation, limited liability
11 company, partnership, limited partnership, sole
12 proprietorship, or other legal entity;

13 (3) Operates primarily within the State; and

14 (4) Is a lawful tenant of a lease into which the tenant
15 and the respective landlord entered before the
16 issuance of the proclamation described in
17 subsection (a).

18 **§127A-F Loan deferment.** (a) Whenever the governor issues
19 a proclamation declaring a state of emergency for the entire
20 State or any portion thereof, or a mayor issues a proclamation
21 declaring a local state of emergency for the county or any



1 portion thereof, with respect to any student loan, commercial
2 loan, or consumer loan (including any credit extension) of any
3 borrower who resides in the area that is the subject of the
4 proclamation, the governor or mayor may declare that the lender
5 or holder of the loan shall:

- 6 (1) Upon receipt of a written request from the borrower,
7 defer the collection of loan payments; provided that
8 the lender or holder shall not be obligated to suspend
9 the collection for a period longer than six months;
10 (2) Accept the foregoing written request in hardcopy or
11 electronic format, according to the borrower's
12 preference; and
13 (3) Not require the borrower to prove economic hardship
14 for the purposes of this section.

15 (b) The repayment period for loans under deferment
16 pursuant to this section shall be extended by a period of time
17 equal to the entire period of deferment. The terms and
18 conditions of each original loan, except for default,
19 delinquency during deferment, and related fees or penalties,
20 shall remain unchanged during the entire period of deferment.



1 During any period of loan deferment under this section, no
2 interest shall accrue on the respective loan.

3 **§127A-G Credit reporting agencies.** (a) Whenever the
4 governor issues a proclamation declaring a state of emergency
5 for the entire State or any portion thereof, or a mayor issues a
6 proclamation declaring a local state of emergency for the county
7 or any portion thereof, the governor or mayor may declare that
8 any person who resides in the area that is the subject of the
9 proclamation may contact any:

10 (1) Consumer reporting agency and request exclusion of any
11 adverse information obtained by the agency; and
12 (2) User of a consumer report for the person and request
13 exclusion of consideration of any adverse information
14 within the consumer report,
15 regarding the person's actions from the effective date of the
16 proclamation through the ninetieth day after the effective date
17 of the proclamation.

18 (b) Any consumer reporting agency or user of a consumer
19 report that receives a request from a person pursuant to
20 subsection (a) shall:



- 1 (1) Respond to the requestor within the time period
2 prescribed by title 15 United States Code section
3 1681i; and
- 4 (2) Honor the person's request, or in the alternative,
5 should federal law bar the consumer reporting agency
6 or user of a consumer report from honoring the
7 request, provide a written explanation identifying the
8 basis for the refusal.

9 (c) No consumer reporting agency that receives a request
10 from a person pursuant to subsection (a) shall assess a fee from
11 the person for the request."

12 SECTION 2. Section 127A-14, Hawaii Revised Statutes, is
13 amended by amending subsection (d) to read as follows:

14 "(d) Any proclamation issued under this chapter that fails
15 to state a time at which it will take effect shall take effect
16 at twelve noon of the day on which it takes effect. A state of
17 emergency and a local state of emergency shall terminate
18 automatically sixty days after the issuance of a proclamation of
19 a state of emergency or local state of emergency, respectively,
20 or by a separate proclamation of the governor or mayor,
21 whichever occurs first."



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

4 SECTION 4. In codifying the new sections added by
5 section 1 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 5. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on July 1, 2024.



Report Title:

Emergency Management; Tenants; Mortgagors; Consumers; Relief

Description:

Amends emergency management law to protect tenants, mortgagors, consumers, and residents for certain periods of time after the issuance of a gubernatorial or mayoral emergency proclamation.
(SD2)

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