
A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 127A-14, Hawaii Revised Statutes, is
2 amended by amending subsections (c) and (d) to read as follows:

3 "(c) The governor or mayor shall be the sole judge of the
4 existence of the danger, threat, or circumstances giving rise to
5 a declaration, an extension, or a termination of a state of
6 emergency in the State or a local state of emergency in the
7 county, as applicable. This section shall not limit the power
8 and authority of the governor under section 127A-13(a) (5).

9 (d) Any proclamation issued under this chapter that fails
10 to state the time at which the proclamation will take effect
11 shall take effect at twelve noon of the day on which the
12 proclamation takes effect. A state of emergency and [a] local
13 state of emergency shall automatically terminate [~~automatically~~]
14 sixty days after the issuance of a proclamation of a state of
15 emergency or local state of emergency, respectively, [~~or~~] unless
16 extended or terminated by a separate or supplementary



1 proclamation of the governor or mayor [~~7, whichever occurs~~
2 ~~first~~]."

3 SECTION 2. Section 127A-30, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (a) to read:

6 "(a) Whenever the governor declares a state of emergency
7 for the entire State or any portion thereof, or a mayor declares
8 a local state of emergency for the county or any portion
9 thereof, or when the State, or any portion thereof, is the
10 subject of a severe weather warning:

11 (1) [~~There shall be prohibited any~~] Any increase in the
12 selling price of any commodity, whether at the retail
13 or wholesale level, in the area that is the subject of
14 the proclamation or the severe weather warning [~~7, and~~]
15 shall be prohibited; provided that the prohibition may
16 be restricted to particular commodities in the
17 proclamation;

18 (2) No landlord shall terminate any tenancy for a
19 residential dwelling unit in the area that is the
20 subject of the proclamation or the severe weather
21 warning, except for a breach of a material term of a



1 rental agreement or lease, or if the unit is unfit for
2 occupancy as defined in this chapter; provided that:

3 (A) Nothing in this chapter shall be construed to
4 extend a fixed-term lease beyond its termination
5 date [~~except~~]; provided further that a periodic
6 tenancy for a residential dwelling unit may be
7 terminated by the landlord upon forty-five days'
8 written notice:

9 (i) When the residential dwelling unit is sold
10 to a bona fide purchaser for value; or

11 (ii) When the landlord or an immediate family
12 member of the landlord will occupy the
13 residential dwelling unit; or

14 (B) Under a fixed-term lease or a periodic tenancy,
15 upon forty-five days' written notice, a landlord
16 may require a tenant or tenants to relocate
17 during the actual and continuous period of any
18 repair to render a residential dwelling unit fit
19 for occupancy; provided further that:



1 (i) Reoccupancy shall first be offered to the
2 same tenant or tenants upon completion of
3 the repair;

4 (ii) The term of the fixed-term lease or periodic
5 tenancy shall be extended by a period of
6 time equal to the duration of the repair;
7 and

8 (iii) It shall be the responsibility of the tenant
9 or tenants to find other accommodations
10 during the period of repair~~[-]~~; and

11 (3) No landlord shall increase, or give notice of an
12 increase to, the rent for a residential dwelling unit
13 in the area that is the subject of the declaration or
14 severe weather warning if the increase was not
15 contained in a written instrument that was signed by
16 the tenant before the declaration or severe weather
17 warning."

18 2. By amending subsection (c) to read:

19 "(c) [~~The prohibitions~~] Each prohibition under subsection
20 (a) shall remain in effect until twenty-four hours after the
21 severe weather warning is canceled by the [~~National Weather~~]



1 ~~Service;~~ issuing agency; or in the event of a declaration, [~~the~~
2 ~~later of a date specified by the governor or mayor in the~~
3 ~~declaration or ninety-six]~~ seventy-two hours after the effective
4 date and time of the declaration, unless [~~such]~~ the prohibition
5 is identified and continued [~~by a supplementary declaration~~
6 ~~issued by]~~ and the types of commodities are identified by the
7 governor or mayor[~~. Any proclamation issued under this chapter~~
8 ~~that fails to state the time at which it will take effect, shall~~
9 ~~take effect at twelve noon of the day on which it takes effect.]~~
10 in the proclamation or any supplemental proclamation."

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

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on January 1, 3000.



Report Title:

Disasters; Residential Rent Increases; Price Increases;
Emergency Proclamations; Prohibition

Description:

Clarifies the powers of the Governor and mayors to extend or terminate a state of emergency. Clarifies when proclamations take effect. Prohibits residential rent increases in areas subject to emergency declarations or severe weather warnings. Shortens and clarifies the duration of price control periods and the prohibition against residential-tenancy terminations. Effective 1/1/3000. (HD2)

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