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# 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. Section 521-69, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§521-69 Landlord's remedies for tenant's waste, failure**  
4 **to maintain, or unlawful use.** (a) If the tenant is in material  
5 noncompliance with section 521-51, the landlord, upon learning  
6 of [~~any such~~] the noncompliance and after notifying the tenant  
7 in writing of the noncompliance and allowing a specified time  
8 not less than ten days after receipt of the notice, for the  
9 tenant to remedy the noncompliance:

10           (1) May terminate the rental agreement and bring a summary  
11 proceeding for possession of the dwelling unit or any  
12 other proper proceeding, action, or suit for  
13 possession if the tenant is in material noncompliance  
14 with section 521-51(1); [~~or~~]

15           (2) May remedy the tenant's failure to comply and bill the  
16 tenant for the actual and reasonable cost of [~~such~~]  
17 the remedy if the noncompliance can be remedied by the



1 landlord by cleaning, repairing, replacing a damaged  
2 item, or the like, which bill shall be treated by all  
3 parties as rent due and payable on the next regular  
4 rent collection date or, if the tenancy has  
5 terminated, immediately upon receipt by the tenant[-];  
6 or

7 (3) May petition a district court for a temporary  
8 restraining order, permanent restraining order, or  
9 injunction to compel the tenant's compliance with  
10 section 521-51; provided that:

11 (A) The landlord may seek an injunction alone or may  
12 join a claim for an injunction with a summary  
13 possession claim;

14 (B) If the district court issues either a preliminary  
15 or permanent injunction against the tenant and  
16 the court subsequently determines that the tenant  
17 has violated the injunction, the court shall  
18 issue to the landlord a judgment for possession  
19 and writ of possession;

20 (C) A petition for relief filed under this subsection  
21 concerning a violation of section 521-51 shall be



1           in writing, shall allege that a violation of  
2           section 521-51 has occurred, and shall be  
3           accompanied by an affidavit made under oath or a  
4           statement made under penalty of perjury stating  
5           the specific facts and circumstances for which  
6           relief is sought;

7           (D) The petition shall be set for a return hearing  
8           and notice served on the tenant in the same  
9           manner as a complaint for summary possession;

10          (E) At the return hearing, the court may temporarily  
11          restrain the person or persons named in the  
12          petition from violating section 521-51 upon a  
13          determination that there is probable cause to  
14          believe that a violation of section 521-51  
15          occurred and that an injunction is reasonably  
16          necessary for the preservation of the property or  
17          to protect the landlord, other tenants, or any  
18          other person. The court may issue a temporary  
19          restraining order either in writing or orally;  
20          provided that oral orders shall be reduced to  
21          writing by the close of the next court day;



1           (F) Any order issued under this subsection shall be  
2           served upon the tenant via personal service or  
3           certified mail, unless the tenant was present at  
4           the hearing at which the court orally issued the  
5           order;

6           (G) Where service of a restraining order or  
7           injunction has been made or where the tenant is  
8           deemed to have received notice of a restraining  
9           order or injunction order, any knowing or  
10          intentional violation of the restraining order or  
11          injunction order shall subject the tenant to  
12          paragraph (L);

13          (H) A temporary restraining order that is granted  
14          under this subsection shall remain in effect at  
15          the discretion of the court for a period not to  
16          exceed ninety days from the date the order is  
17          granted. A temporary injunction may be extended  
18          for up to three years by the court if the  
19          landlord proves by a preponderance of the  
20          evidence that the tenant has violated section  
21          521-51;



1           (I) Upon the request of the tenant, the court may set  
2           an evidentiary hearing to determine if a  
3           temporary restraining order shall be dissolved,  
4           remain in effect for the initial ninety days, or  
5           become permanent and remain in effect for up to  
6           three years. The evidentiary hearing shall be  
7           held within ten days after a request to dissolve  
8           is received from the tenant unless a court  
9           closure due to a holiday or other reason prevents  
10          the hearing from taking place, in which case the  
11          hearing shall occur on the next available hearing  
12          date. The temporary restraining order shall be  
13          considered in effect until the court hears and  
14          adjudicates any request to dissolve the temporary  
15          restraining order;

16          (J) The parties named in the petition may file  
17          written responses or give oral responses  
18          explaining, excusing, justifying, or denying the  
19          alleged violation of section 521-51. The court  
20          shall receive at the hearing all relevant  
21          evidence and may make independent inquiry;



1           (K) If the court finds by a preponderance of the  
2           evidence that a violation of section 521-51 has  
3           occurred, in addition to any other relief  
4           provided for by law, the court shall issue to the  
5           landlord a judgment for possession and writ of  
6           possession for the rented premises, effective  
7           immediately; and

8           (L) If the tenant violates a restraining order issued  
9           under this subsection, the landlord may  
10           immediately file a motion with the court  
11           regarding the violation of the restraining order  
12           and may seek a judgment for possession and writ  
13           of possession to remove the tenant from the  
14           rented premises. The hearing on the motion shall  
15           be heard within ten days of its filing, unless a  
16           court closure due to a holiday or other reason  
17           prevents the hearing from taking place, in which  
18           case the hearing shall occur on the next  
19           available hearing date. If the matter is not  
20           resolved by motion, the court may order an  
21           evidentiary hearing upon the request of either



1           party. If the court finds by a preponderance of  
2           the evidence that a violation of the temporary  
3           restraining order has occurred, the court shall  
4           issue to the landlord a judgment for possession  
5           and writ of possession, effective immediately.  
6           The parties named in the petition may file  
7           written responses or give oral responses  
8           explaining, excusing, justifying, or denying the  
9           alleged violation of the temporary restraining  
10          order. The court shall receive at the hearing  
11          all relevant evidence and may make independent  
12          inquiry.

13           (b) No allowance of time to remedy noncompliance shall be  
14 required when noncompliance by the tenant causes or threatens to  
15 cause irreparable damage to any person or property. If the  
16 tenant cannot be served with notice as required, notice may be  
17 given the tenant by posting the same in a conspicuous place on  
18 the dwelling unit.

19           ~~[(b)]~~ (c) The landlord may terminate the rental agreement  
20 and bring a summary proceeding for possession of the dwelling  
21 unit or any other proper proceeding, action, or suit for



1 possession for any material noncompliance with section 521-51 by  
2 a roomer or boarder if the roomer or boarder fails to comply  
3 within the time specified in the notice.

4 [~~e~~] (d) The landlord may bring an action or proceeding  
5 for waste or for breach of contract for damage suffered by the  
6 tenant's wilful or negligent failure to comply with the tenant's  
7 obligations under section 521-51.

8 (e) Nothing in this section shall be construed to prohibit  
9 constitutionally protected activities."

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

13 SECTION 3. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

16

INTRODUCED BY:

*Arjun Mujale*

JAN 22 2025



# H.B. NO. 1180

**Report Title:**

Landlord Tenant Code; Waste; Failure to Maintain; Unlawful Use

**Description:**

Authorizes a landlord to petition a district court for a temporary restraining order, permanent restraining order, or injunction to compel a tenant's compliance with section 521-51, Hawaii Revised Statutes.

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

