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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) If the district court issues either a preliminary  
12 or permanent injunction against the tenant and  
13 the court subsequently determines that the tenant  
14 has violated the injunction, the court shall  
15 issue to the landlord a judgment for possession;

16 (B) A petition for relief filed under this subsection  
17 concerning a violation of section 521-51 shall be  
18 in writing, shall allege that a violation of  
19 section 521-51 has occurred, and shall be  
20 accompanied by an affidavit made under oath or a  
21 statement made under penalty of perjury stating



1           the specific facts and circumstances for which  
2           relief is sought;

3           (C) The petition shall be set for a return hearing  
4           and notice served on the tenant in the same  
5           manner as a complaint for summary possession;

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

18           (E) Any order issued under this subsection shall be  
19           served upon the tenant via personal service or  
20           certified mail, unless the tenant was present at



1           the hearing at which the court orally issued the  
2           order;

3           (F) Where service of a restraining order or  
4           injunction has been made or where the tenant is  
5           deemed to have received notice of a restraining  
6           order or injunction order, any knowing or  
7           intentional violation of the restraining order or  
8           injunction order shall subject the tenant to  
9           subparagraph (K);

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

19          (H) Upon the request of the tenant, the court may set  
20          an evidentiary hearing to determine if a  
21          temporary restraining order shall be dissolved,



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

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

19           (J) If the court finds by a preponderance of the  
20           evidence that a violation of section 521-51 has  
21           occurred, in addition to any other relief



1 provided for by law, the court shall issue to the  
2 landlord a judgment for possession for the rented  
3 premises, effective immediately; and

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



1 named in the petition may file written responses  
2 or give oral responses explaining, excusing,  
3 justifying, or denying the alleged violation of  
4 the temporary restraining order. The court shall  
5 receive at the hearing all relevant evidence and  
6 may make independent inquiry.

7 (b) No allowance of time to remedy noncompliance shall be  
8 required when noncompliance by the tenant causes or threatens to  
9 cause irreparable damage to any person or property. If the  
10 tenant cannot be served with notice as required, notice may be  
11 given to the tenant by posting the same in a conspicuous place  
12 on the dwelling unit.

13 [~~b~~] (c) The landlord may terminate the rental agreement  
14 and bring a summary proceeding for possession of the dwelling  
15 unit or any other proper proceeding, action, or suit for  
16 possession for any material noncompliance with section 521-51 by  
17 a roomer or boarder if the roomer or boarder fails to comply  
18 within the time specified in the notice.

19 [~~e~~] (d) The landlord may bring an action or proceeding  
20 for waste or for breach of contract for damage suffered by the



1 tenant's wilful or negligent failure to comply with the tenant's  
2 obligations under section 521-51.

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

5 SECTION 2. (a) There is established the residential  
6 landlord-tenant code working group within the judiciary to  
7 conduct a comprehensive review of the residential  
8 landlord-tenant code and prepare a report on whether amendments  
9 and updates to the code are necessary.

10 (b) The working group shall consist of the following  
11 members:

12 (1) The chief justice of the Hawaii supreme court, or the  
13 chief justice's designee, who shall serve as  
14 chairperson of the working group;

15 (2) One member appointed by the president of the senate;

16 (3) One member appointed by the speaker of the house of  
17 representatives; and

18 (4) Other members appointed by the chairperson of the  
19 working group.



1 (c) The members of the working group shall serve without  
2 compensation but shall be reimbursed for expenses, including  
3 travel expenses, necessary for the performance of their duties.

4 (d) No member of the working group shall be subject to  
5 chapter 84, Hawaii Revised Statutes, solely because of the  
6 member's participation in the working group.

7 (e) The working group shall report its findings and  
8 recommendations, including any proposed legislation, to the  
9 legislature no later than twenty days prior to the convening of  
10 the regular session of 2027.

11 (f) The working group shall be dissolved on June 30, 2027.

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

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

17 SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Landlord-Tenant Code; Waste; Failure to Maintain; Unlawful Use;  
Working Group; Report

**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, HRS. Establishes a working group facilitated by the Judiciary to conduct a comprehensive review of and recommend updates to the Residential Landlord-Tenant Code. Requires a report to the Legislature. Effective 7/1/2050. (SD1)

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

