
A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

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

1 SECTION 1. Chapter 521, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§521- Termination of tenancy; domestic violence. (a)

5 Notwithstanding any statutory provision to the contrary, a
6 tenant may notify the landlord that the tenant or a household
7 member was the victim of an act that constitutes abuse of a
8 family or household member, and that the tenant intends to
9 terminate the rental agreement.

10 (b) A notice to terminate a rental agreement under this
11 section shall be in writing, with one of the following attached
12 to the notice:

13 (1) A copy of a temporary restraining order or protective
14 order, currently in effect and issued pursuant to
15 chapter 586; or

16 (2) A dated affidavit executed by a county deputy
17 prosecuting attorney showing that the victim's need
18 for protection meets the same criteria as is required



1 for name change without publication under section 574-
2 5(e).

3 (c) The notice to terminate the rental agreement shall be
4 given within sixty days of the date that any order described in
5 subsection (b)(1) was issued, or within sixty days of the date
6 that any affidavit described in subsection (b)(2) was executed,
7 as applicable.

8 (d) If notice to terminate the rental agreement is
9 provided to the landlord under this section, the tenant shall be
10 released from any rent payment obligation under the rental
11 agreement without penalty; provided that:

12 (1) Any tenant who does not vacate within fifteen days of
13 providing the landlord notice under this section shall
14 be treated as a holdover tenant on a month-to-month
15 tenancy; and

16 (2) Section 521-44, regarding security deposits, shall
17 apply.

18 (e) Beginning fifteen days after notice to terminate a
19 rental agreement has been given under this section, any co-
20 tenant under the rental agreement, other than the tenant
21 entitled to give notice under this section, shall be treated as
22 a tenant on a month-to-month tenancy.



1 (f) As used in this section, "household member" has the
2 same meaning as and includes any family or household member as
3 that term is defined in section 586-1."

4 SECTION 2. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on November 1, 2009.



Report Title:

Landlord-Tenant; Domestic Violence Victims; Cancellation of
Lease

Description:

Allows a tenant who is a victim of domestic violence to
terminate his or her rental agreement. (HB812 HD2)

