
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 law to the contrary, a tenant may notify the
6 landlord, by certified mail with return receipt requested to an
7 address supplied to the tenant by the landlord, that the tenant
8 or a household member was the victim of an act that constitutes
9 abuse of a family or household member, and that the tenant
10 intends to terminate the rental agreement.

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

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

17 (2) A dated affidavit executed by a county deputy
18 prosecuting attorney showing that the victim's need

1 for protection meets the same criteria as is required
2 for name change without publication under section
3 574-5(e).

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

8 (d) Upon notice to the landlord pursuant to subsection
9 (a), the rental agreement shall terminate on the fifteenth day
10 from the date of notice. The landlord and all tenants shall
11 thereafter be released from all of their respective obligations
12 under the rental agreement; provided that the applicable
13 provisions of this chapter shall apply with respect to
14 termination of the agreement.

15 (e) Upon notice to the landlord pursuant to subsection
16 (a), the tenant entitled to give notice may vacate the premises
17 within the fifteen day period following submittal of the notice
18 to the landlord but shall remain obligated under the rental
19 agreement through the fifteen day period.

20 (f) After the fifteen day period provided in subsection
21 (d) has expired, any remaining tenant under the rental agreement

1 shall be treated as a tenant on a month-to-month tenancy under
2 section 521-71.

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

6 SECTION 2. New statutory material is underscored.

7 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 the tenant's rental agreement. (SD1)