
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 part VI to be appropriately
3 designated and to read as follows:

4 "§521- Termination of tenancy; victims of domestic
5 abuse. (a) Subject to subsection (c), a landlord may not
6 terminate a tenancy, fail to renew a tenancy, or refuse to enter
7 into a rental agreement based on the tenant's status as a victim
8 of domestic abuse if the tenant provides the landlord with any
9 of the following:

- 10 (1) A certified copy of an order issued pursuant to
11 section 586-4 or 586-5.5 for the purpose of protecting
12 the tenant from the person named in the order;
13 (2) A certified copy of a valid foreign protective order
14 enforceable under part II of chapter 586;
15 (3) A law enforcement agency record documenting the
16 domestic abuse or certifying that the tenant or a
17 child of the tenant is a victim of domestic abuse;



1 (4) Medical documentation of the domestic abuse provided
2 by a health care provider; or

3 (5) Documentation or certification provided by a licensed
4 clinical social worker, as the term is used in chapter
5 467E, that the tenant or a child of the tenant is a
6 victim of domestic abuse.

7 (b) A landlord who violates this section shall be liable
8 to the tenant in a civil action for damages sustained by the
9 tenant or applicant. The prevailing party may also recover
10 court costs and reasonable attorneys' fees.

11 (c) A landlord may terminate or decline to renew a tenancy
12 after the tenant has resorted to the protections afforded by
13 this section if both paragraphs (1) and (2) apply:

14 (1) Either:

15 (A) The tenant allows the person against whom a
16 protective order has been issued, or the person
17 identified in an applicable police report as the
18 perpetrator of a domestic abuse act, to visit the
19 property; or

20 (B) The landlord reasonably believes that the
21 presence of the person against whom the order has
22 been issued, or the person identified in an



1 applicable police report as the perpetrator of a
2 domestic abuse act, poses a physical threat to
3 other tenants, guests, invitees, or licensees, or
4 to another tenant's right to quiet possession;
5 and

6 (2) The landlord previously gave at least three days
7 notice to the tenant to correct a violation of
8 paragraph (1) and the tenant did not correct the
9 violation.

10 (d) Notwithstanding any provision in the lease to the
11 contrary, the landlord shall not be liable to any other tenants
12 for any action that arises due to the landlord's compliance with
13 this section.

14 (e) Nothing in this section shall be construed to prohibit
15 adverse housing decisions based upon other lawful factors within
16 the landlord's knowledge.

17 (f) For purposes of this section:

18 "Domestic abuse" has the same meaning as defined by section
19 586-1.

20 "Tenant" includes a tenant, a prospective tenant, and
21 persons jointly residing in the same dwelling unit with a tenant
22 or prospective tenant."



- 1 SECTION 2. New statutory material is underscored.
- 2 SECTION 3. This Act shall take effect upon its approval.
- 3

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H.B. NO. 2280

Report Title:

Landlord-Tenant Code; Domestic Abuse

Description:

Prohibits landlords from terminating the tenancy of tenants who are victims of domestic abuse.

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