

---

---

## 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 housing decisions based upon other lawful factors within the  
16 landlord's knowledge or to prohibit a landlord from terminating  
17 a lease or a rental agreement for a lawful reason.

18          (f) For purposes of this section:

19           "Domestic abuse" has the same meaning as defined by section  
20 586-1.

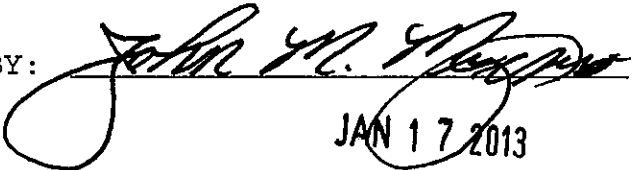


1        "Tenant" includes a tenant, a prospective tenant, and  
2 persons jointly residing in the same dwelling unit with a tenant  
3 or prospective tenant."

4        SECTION 2. New statutory material is underscored.

5        SECTION 3. This Act shall take effect upon its approval.

6

INTRODUCED BY:   
JAN 17 2013



# H.B. NO. 245

**Report Title:**

Landlord-Tenant Code; Domestic Abuse

**Description:**

Prohibits landlords from terminating the tenancy of tenants who are victims of domestic abuse. Allows landlords to terminate a lease or a rental agreement for any lawful reason.

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

