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# 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 based solely on the tenant's status as a  
7 victim of domestic abuse if the tenant provides the landlord  
8 with any of the following:

9 (1) A certified copy of an order issued pursuant to  
10 section 586-4 or 586-5.5 for the purpose of protecting  
11 the tenant from the person named in the order;

12 (2) A certified copy of a valid foreign protective order  
13 enforceable under part II of chapter 586;

14 (3) A law enforcement agency record documenting the  
15 domestic abuse or certifying that the tenant or a  
16 child of the tenant is a victim of domestic abuse;

17 (4) Medical documentation provided by a health care  
18 provider concerning the domestic abuse; or



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

5       (b) A landlord who violates this section shall be liable  
6       to the tenant in a civil action for damages sustained by the  
7       tenant.

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

11       (1) Either:

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

17       (B) The landlord reasonably believes that the  
18       presence of the person against whom the order has  
19       been issued, or the person identified in an  
20       applicable police report as the perpetrator of an  
21       act of domestic abuse, poses a physical threat to  
22       other tenants, guests, invitees, or licensees, or



1                   to another tenant's right to quiet possession;

2                   and

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

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

11          (e) Nothing in this section shall be construed to prohibit  
12          housing decisions based upon other lawful factors within the  
13          landlord's knowledge or to prohibit a landlord from terminating  
14          a lease or a rental agreement for any other lawful reason.

15          (f) For purposes of this section:

16          "Domestic abuse" has the same meaning as defined in section  
17          586-1.

18          "Tenant" includes a tenant and persons jointly residing in  
19          the same dwelling unit with a tenant."

20          SECTION 2. New statutory material is underscored.

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



**Report Title:**

Landlord-Tenant Code; Domestic Abuse

**Description:**

Prohibits landlords from terminating the tenancy of a tenant solely on the tenant's status as a victim of domestic abuse if the tenant provides the landlord with specified documentation. Allows a landlord to terminate a lease or decline to renew a tenancy under certain conditions. (HB245 HD1)

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

