
A BILL FOR AN ACT

RELATING TO THE LANDLORD-TENANT CODE.

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

1 SECTION 1. The legislature finds that the State has one of
2 the highest percentages of renter households in the nation, with
3 forty-three per cent of households in the State consisting of
4 renters. The legislature recognizes that the State also has the
5 lowest amount of affordable housing in the nation, resulting in
6 thousands of families in the State, many of whom are already
7 facing eviction, being unable to find alternative housing. The
8 legislature further recognizes that evictions increase
9 homelessness, unemployment, crime, and mental and physical
10 illness. Further, children who experience an eviction often
11 show signs of slower academic progress and other developmental
12 impairments. Additionally, each eviction results in significant
13 financial and social costs to the evicted household and the
14 surrounding community.

15 The legislature believes that eviction procedures must
16 carefully balance the landlord's need for sufficient enforcement
17 against the tenant's need for sufficient protection. The



1 legislature further finds that without adequate safeguards,
2 tenants become targets for abuse during these eviction
3 proceedings. Currently, the residential landlord-tenant code
4 makes it difficult for tenants to defend themselves against
5 wrongful evictions. While the code clearly outlines landlords'
6 responsibilities, it fails to provide tenants with suitable
7 methods of recourse and ways to hold landlords accountable in
8 various situations.

9 The legislature acknowledges that landlords are prohibited
10 from retaliating against tenants who request repairs to their
11 respective homes or complain about health or safety code
12 violations. However, although the residential landlord-tenant
13 code guarantees compensation for other landlord offenses, it
14 also places on the tenant the burden of proving entitlement to
15 compensation for a landlord's retaliation. The result is often
16 that tenants who have been retaliated against are not made
17 whole, allowing landlords to continue these retaliatory
18 practices.

19 Accordingly, the purpose of this Act is to specify the
20 amount of damages recoverable by a tenant who is subjected to an
21 unlawful retaliatory eviction.



1 SECTION 2. Section 521-74, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Any tenant from whom possession has been recovered or
4 who has been otherwise involuntarily dispossessed, in violation
5 of this section, is entitled to recover [~~the~~] damages [~~sustained~~
6 ~~by the tenant~~] in an amount equal to two months' rent, and the
7 cost of suit, including reasonable attorney's fees."

8 SECTION 3. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date; provided that any contract in
11 effect prior to the effective date of this Act that is
12 subsequently renewed or extended on or after the effective date
13 of this Act shall comply with the requirements of this Act.

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2020.
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INTRODUCED BY:

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H.B. NO. 2116

Report Title:

Housing; Residential Landlord-Tenant Code; Retaliatory Evictions; Damages

Description:

Specifies that the amount of damages recoverable by a tenant subjected to an unlawful retaliatory eviction is equal to 2 months' rent.

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