

JAN 21 2022

A BILL FOR AN ACT

RELATING TO HOME HEALTH CARE.

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

SECTION 1. Section 127A-30, Hawaii Revised Statutes, is amended as follows:

1. By amending its title and subsections (a) and (b) to read:

"~~[§]127A-30[§]~~ Rental or sale of essential commodities and home health care services during a state of emergency; prohibition against price increases. (a) ~~[Whenever]~~ During any time that the governor ~~[declares]~~ has declared a state of emergency for the entire State or any portion thereof, or a mayor ~~[declares]~~ has declared a local state of emergency for the county or any portion thereof, or when the State, or any portion thereof, is the subject of a severe weather warning:

(1) There shall be prohibited any increase in the selling price of any commodity, whether at the retail or wholesale level, in the area that is the subject of the proclamation or the severe weather warning; ~~[and]~~



1 (2) There shall be prohibited any increase in the fees
2 charged for providing home health care services during
3 a declared state of emergency concerning a public
4 health pandemic on the sole basis that the patient
5 receiving the services requires that the home health
6 care service provider be vaccinated against the
7 underlying disease causing the emergency; and

8 ~~(+2+)~~ (3) No landlord shall terminate any tenancy for a
9 residential dwelling unit in the area that is the
10 subject of the proclamation or the severe weather
11 warning, except for a breach of a material term of a
12 rental agreement or lease, or if the unit is unfit for
13 occupancy as defined in this chapter; provided that:

14 (A) Nothing in this chapter shall be construed to
15 extend a fixed-term lease beyond its termination
16 date, except that a periodic tenancy for a
17 residential dwelling unit may be terminated by
18 the landlord upon forty-five days' written
19 notice:

20 (i) When the residential dwelling unit is sold
21 to a bona fide purchaser for value; or



(ii) When the landlord or an immediate family member of the landlord will occupy the residential dwelling unit; or

(B) Under a fixed-term lease or a periodic tenancy, upon forty-five days' written notice, a landlord may require a tenant or tenants to relocate during the actual and continuous period of any repair to render a residential dwelling unit fit for occupancy; provided that:

(i) Reoccupancy shall first be offered to the same tenant or tenants upon completion of the repair;

(ii) The term of the fixed-term lease or periodic tenancy shall be extended by a period of time equal to the duration of the repair; and

(iii) It shall be the responsibility of the tenant or tenants to find other accommodations during the period of repair.

(b) Notwithstanding this section, any additional operating expenses incurred by the seller, home health care services



1 provider, or landlord because of the emergency or disaster or
2 the severe weather, and which can be documented, may be passed
3 on to the consumer. In the case of a residential dwelling unit,
4 if rent increases are contained in a written instrument that was
5 signed by the tenant prior to the declaration or severe weather
6 warning, the increases may take place pursuant to the written
7 instrument."

8 2. By amending subsection (f) to read:

9 "(f) As used in this section:

10 "Breach of a material term" means the failure of a party to
11 perform an obligation under the rental agreement or lease, which
12 constitutes the consideration for entering into the contract and
13 includes the failure to make a timely payment of rent.

14 "Commodity" means any good or service necessary for the
15 health, safety, and welfare of the people of Hawaii; provided
16 that this term shall include, but not be limited to: materials;
17 merchandise; supplies; equipment; resources; and other articles
18 of commerce that shall include food; water; ice; chemicals;
19 petroleum products; construction materials; or residential
20 dwellings.



1 "Fixed-term lease" means a lease for real property that
2 specifies its beginning date and its termination date as
3 calendar dates, or contains a formula for determining the
4 beginning and termination dates; and the application of the
5 formula as of the date of the agreement will produce a calendar
6 date for the beginning and termination of the lease.

7 "Home health care services" has the same meaning as defined
8 in section 431:10H-201.

9 "Periodic tenancy" means a tenancy wherein real property is
10 leased for an indefinite time with monthly or other periodic
11 rent reserved. A periodic tenancy may be created by express
12 agreement of the parties, or by implication upon the expiration
13 of a fixed-term lease when neither landlord nor tenant provides
14 the other with written notice of termination and the tenant
15 retains possession of the premises for any period of time after
16 the expiration of the original term.

17 "Unfit for occupancy" means that a residential dwelling
18 unit has been damaged to the extent that the appropriate county
19 agency determines that the unit creates a dangerous or
20 unsanitary situation and is dangerous to the occupants or to the
21 neighborhood."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.
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INTRODUCED BY: _____

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be a combination of initials and a surname.

S.B. NO. 2880

Report Title:

Home Health Care Services; Emergency Proclamation; State of
Emergency; Fee Increase Prohibited; Vaccination

Description:

Prohibits any increase in the fees charged for providing home health care services during the pendency of an emergency proclamation or state of emergency concerning a public health pandemic on the sole basis that the patient receiving the services requires that the home health care service provider be vaccinated against the underlying disease causing the emergency.

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

