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# A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1 PART I

2 SECTION 1. Section 127A-1, Hawaii Revised Statutes, is  
3 amended by amending subsection (c) to read as follows:

4 "(c) It is the intent of the legislature to provide for  
5 and confer comprehensive powers for the purposes stated herein.  
6 This chapter shall be liberally construed to effectuate its  
7 purposes; provided that this chapter shall not be construed as  
8 conferring any power or permitting any action [~~which~~] that is  
9 inconsistent with the Constitution and laws of the United  
10 States[~~7~~] or the Hawaii State Constitution, but, in so  
11 construing this chapter, due consideration shall be given to the  
12 circumstances as they exist from time to time. This chapter  
13 shall not be deemed to have been amended by any act hereafter  
14 enacted at the same or any other session of the legislature,  
15 unless this chapter is amended by express reference."

16 SECTION 2. Section 127A-3, Hawaii Revised Statutes, is  
17 amended by amending subsection (e) to read as follows:



1           "(e) The agency shall perform emergency management  
2 functions within the territorial limits of the State. In  
3 performing its duties, the agency shall:

4           (1) Prepare a state comprehensive emergency management  
5 plan, which shall be integrated into and coordinated  
6 with the emergency management plans of the federal  
7 government. The plan shall be integrated by a  
8 continuous, integrated comprehensive emergency  
9 management program. The plan shall contain provisions  
10 to ensure that the State [~~is prepared~~] prepares for,  
11 mitigates against, responds to, and recovers from  
12 emergencies and minor, major, and catastrophic  
13 disasters. In preparing and maintaining the plan, the  
14 agency shall work closely with agencies and  
15 organizations with emergency management  
16 responsibilities;

17           (2) Assign lead and support responsibilities to state  
18 agencies and personnel for emergency management  
19 functions[7] and other support activities;

20           (3) Adopt standards and requirements for county emergency  
21 management plans. The standards and requirements



1 shall ensure that county plans are coordinated and  
2 consistent with the state comprehensive emergency  
3 management plan;

4 (4) Make recommendations to the legislature, building code  
5 organizations, and counties for zoning, building, and  
6 other land use controls; and other preparedness,  
7 prevention, and mitigation measures designed to  
8 eliminate emergencies or reduce their impact;

9 (5) Anticipate trends and promote innovations that will  
10 enhance the emergency management system;

11 (6) Institute statewide public awareness programs. This  
12 shall include intensive public educational campaigns  
13 on emergency preparedness issues, including but not  
14 limited to the personal responsibility of individual  
15 citizens to be self-sufficient for up to fourteen days  
16 following a natural or human-caused disaster;

17 (7) Coordinate federal, state, and local emergency  
18 management activities and take all other steps,  
19 including the partial or full mobilization of  
20 emergency management forces and organizations in  
21 advance of an actual emergency, to ensure the



1           availability of adequately trained and equipped forces  
2           of emergency management personnel before, during, and  
3           after emergencies and disasters;

4           (8) Implement training programs to improve the ability of  
5           state and local emergency management personnel to  
6           prepare and implement emergency management plans and  
7           programs. This shall include a continuous training  
8           program for agencies and individuals that will be  
9           called on to perform key roles in state and local  
10          post-disaster response and recovery efforts and for  
11          local government personnel on federal and state post-  
12          disaster response and recovery strategies and  
13          procedures;

14          (9) Adopt standards and requirements for state agency  
15          emergency operating procedures and periodically review  
16          emergency operating procedures of state agencies and  
17          recommend revisions as needed to ensure consistency  
18          with the state comprehensive emergency management plan  
19          and program; and

20          (10) Coordinate, in advance whenever possible, such  
21          executive orders, proclamations, and rules for



1           issuance by the governor as are necessary or  
2           appropriate for coping with emergencies and  
3           disasters."

4           SECTION 3. Section 127A-14, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           "**§127A-14 State of emergency.** (a) The governor may  
7 declare the existence of a state of emergency in the State by  
8 proclamation if the governor finds that an emergency or a  
9 disaster has occurred or that there is imminent danger or threat  
10 of an emergency or a disaster in any portion of the State.

11           (b) A mayor may declare the existence of a local state of  
12 emergency in the county by proclamation if the mayor finds that  
13 an emergency or a disaster has occurred or that there is  
14 imminent danger or threat of an emergency or a disaster in any  
15 portion of the county.

16           (c) The governor or mayor shall be the sole judge of the  
17 existence of the danger, threat, or circumstances giving rise to  
18 a declaration, an extension, or a termination of a state of  
19 emergency in the State or a local state of emergency in the  
20 county, as applicable. This section shall not limit the power  
21 and authority of the governor under section 127A-13(a) (5).



1           (d) Any proclamation issued under this chapter that fails  
2 to state a time at which it will take effect shall take effect  
3 at twelve noon of the day on which it takes effect. A state of  
4 emergency and a local state of emergency shall terminate  
5 automatically sixty days after the issuance of a proclamation of  
6 a state of emergency or local state of emergency, respectively,  
7 [~~or~~] unless extended or terminated by a separate or  
8 supplementary proclamation of the governor or mayor [~~, whichever~~  
9 ~~occurs first~~]."

10           SECTION 4. Section 127A-30, Hawaii Revised Statutes, is  
11 amended by amending subsections (a) through (c) to read as  
12 follows:

13           "(a) Whenever the governor declares a state of emergency  
14 for the entire State or any portion thereof, or a mayor declares  
15 a local state of emergency for the county or any portion  
16 thereof, or when the State, or any portion thereof, is the  
17 subject of a severe weather warning:

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



provided that the prohibition may be restricted to particular commodities in the proclamation; and

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

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

(i) When the residential dwelling unit is sold 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



1           may require a tenant or tenants to relocate  
2           during the actual and continuous period of any  
3           repair to render a residential dwelling unit fit  
4           for occupancy; provided that:

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

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

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

15          (b) Notwithstanding this section, any additional operating  
16          expenses incurred by the seller or landlord because of the  
17          emergency [~~or~~], disaster, or [~~the~~] severe weather [~~, and which~~]  
18          warning that can be documented[~~7~~] may be passed on to the  
19          consumer. In the case of a residential dwelling unit, if rent  
20          increases are contained in a written instrument that was signed  
21          by the tenant [~~prior to~~] before the declaration or severe





1 weather warning, the increases may take place pursuant to the  
2 written instrument.

3 (c) The prohibitions under subsection (a) shall remain in  
4 effect until twenty-four hours after the severe weather warning  
5 is canceled by the [~~National Weather Service~~] issuing agency;  
6 or in the event of a declaration, [~~the later of a date specified~~  
7 ~~by the governor or mayor in the declaration or ninety-six~~]  
8 seventy-two hours after the effective date and time of the  
9 declaration, unless [~~such~~] the prohibition is identified and  
10 continued [by a supplementary declaration issued] and the types  
11 of commodities are identified by the governor or mayor[~~-~~] in the  
12 proclamation or any supplementary proclamation. Any  
13 proclamation issued under this chapter that fails to state the  
14 time at which it will take effect, shall take effect at [~~twelve~~]  
15 noon [~~of~~] on the day on which it takes effect."

16 PART II

17 SECTION 5. Chapter 127A, Hawaii Revised Statutes, is  
18 amended by adding seven new sections to be appropriately  
19 designated and to read as follows:

20 "§127A-A Residential tenants; suspension of rent  
21 collection. (a) Whenever the governor issues a proclamation



1 declaring a state of emergency for the entire State or any  
2 portion thereof, or a mayor issues a proclamation declaring a  
3 local state of emergency for the county or any portion thereof,  
4 with respect to any residential dwelling unit in the area that  
5 is the subject of the proclamation, the governor or mayor may  
6 declare that the landlord of the rental unit shall:

- 7       (1) Upon receipt of a written request from a tenant of the  
8           unit, suspend the collection of rent for the unit for  
9           a three-month period, beginning in the month following  
10          the landlord's receipt of the request;
- 11       (2) Upon receipt of a subsequent written request from a  
12           tenant of the unit, suspend the collection of rent for  
13           the unit for an additional three-month period,  
14           beginning at the end of the initial period of  
15           suspension;
- 16       (3) Accept the foregoing written requests in hardcopy or  
17           electronic format, according to the tenant's  
18           preference;
- 19       (4) Not require the tenant to prove economic hardship for  
20           the purposes of this section;



1       (5) Not require the tenant to pay any fees, including late  
2       fees, for the rent collection suspension; and

3       (6) Send the tenant written notice regarding the date the  
4       tenant is obligated to commence paying rent.

5       (b) After the end of the suspension period, the landlord  
6       may collect the balance of the rent suspended under this  
7       section; provided that the suspended rent shall only be  
8       collected as part of a periodic payment plan that is of the same  
9       duration as the total suspension period.

10       §127A-B Residential dwelling units; summary possession

11 moratorium. Whenever the governor issues a proclamation  
12 declaring a state of emergency for the entire State or any  
13 portion thereof, or a mayor issues a proclamation declaring a  
14 local state of emergency for the county or any portion thereof,  
15 with respect to any residential dwelling unit in the area that  
16 is the subject of the proclamation, the governor or mayor may  
17 declare that:

18       (1) No court having jurisdiction for an action for summary  
19       possession pursuant to chapter 666 or other form of  
20       eviction action shall:



1           (A) Accept for filing any complaint or summons for  
2           possession of the unit;

3           (B) Enter a judgment or default judgment for a  
4           plaintiff for possession of the unit;

5           (C) Issue a writ of possession for the unit; or

6           (D) Deny, upon the request of a defendant, a stay of  
7           execution or continuance of the summary  
8           possession action;

9           (2) Any deadline or time period for action by the  
10           defendant or any party in a summary possession action,  
11           including the date to answer a complaint, or to appeal  
12           a judgment, shall be extended; and

13           (3) No sheriff, deputy sheriff, or other law enforcement  
14           officer shall enforce or levy upon a writ of  
15           possession,

16           until the date specified in the proclamation, or if no date is  
17           specified, the expiration of the ninety-sixth hour after the  
18           effective date and time of the declaration, unless a  
19           supplementary proclamation extends the date.

20           **§127A-C Residential property; foreclosure moratorium.**

21           Whenever the governor issues a proclamation declaring a state of



1 emergency for the entire State or any portion thereof, or a  
2 mayor issues a proclamation declaring a local state of emergency  
3 for the county or any portion thereof, with respect to any  
4 residential property, as defined in section 667-1, that is in  
5 the area that is the subject of the proclamation, the governor  
6 or mayor may declare that:

7       (1) No creditor, mortgagee, or person having estate in the  
8           property if mortgaged, or a person authorized by a  
9           power of sale pursuant to chapter 667, or right of  
10          entry, or the attorney duly authorized by a writing  
11          under seal or the legal guardian or conservator of the  
12          mortgagee or person acting in the name of the  
13          mortgagee or person, shall:

14           (A) Cause publication of notice of a foreclosure sale  
15           pursuant to chapter 667;

16           (B) Exercise a power of sale;

17           (C) Exercise a right of entry; or

18           (D) Initiate any action to possess the property;

19       (2) Any deadline or time period for action by a party in  
20       foreclosure proceedings, including any deadline to



1           respond to a notice or to appeal a judgment, shall be  
2           extended; and

3           (3) No sheriff, deputy sheriff, or other law enforcement  
4           officer shall enforce or proceed with any foreclosure  
5           sale or action,

6 until the date specified in the proclamation, or if no date is  
7 specified, the expiration of the ninety-sixth hour after the  
8 effective date and time of the declaration, unless a  
9 supplementary proclamation extends the date.

10           **§127A-D Mortgage payments; deferment.** (a) Whenever the  
11 governor issues a proclamation declaring a state of emergency  
12 for the entire State or any portion thereof, or a mayor issues a  
13 proclamation declaring a local state of emergency for the county  
14 or any portion thereof, with respect to any mortgaged property,  
15 as defined in section 667-1, that is in the area that is the  
16 subject of the proclamation, the governor or mayor may declare  
17 that the mortgagee of the property shall:

18           (1) Upon receipt of a request from a mortgagor of the  
19           property, defer the collection of mortgage payments  
20           for up to three years; and



1       (2) Upon receipt of a subsequent request from a mortgagor  
2       of the property, defer the collection of mortgage  
3       payments for up to \_\_\_\_\_ years for good cause,  
4       as determined by rules adopted pursuant to section  
5       127A-25.

6       (b) The repayment period for mortgages under deferment  
7       pursuant to this section shall be extended by a period of time  
8       equal to the entire period of deferment. The terms and  
9       conditions of each original mortgage, except for default,  
10       delinquency during deferment, and related fees or penalties,  
11       shall remain unchanged during the entire period of deferment.

12       (c) Any mortgagee granting a deferment under this section  
13       shall provide the requesting mortgagor written confirmation of  
14       the approved deferment, information about the deferment process,  
15       and instructions for requesting an extended deferment.

16       (d) This section shall not be construed to amend any  
17       mortgagor's property tax or insurance obligations related to the  
18       mortgaged property.

19       (e) Within one month of the effective date of Act \_\_\_\_\_,  
20       Session Laws of Hawaii 2024, the Hawaii emergency management  
21       agency shall:



- 1        (1) Notify mortgagors of real property within the State  
2                    about the deferment program; and
- 3        (2) Publish on the agency's website information about the  
4                    deferment program, including eligibility requirements.

5        **§127A-E Small business commercial tenants; suspension of**  
6 **rent collection and summary possession.** (a) Whenever the  
7 governor issues a proclamation declaring a state of emergency  
8 for the entire State or any portion thereof, or a mayor issues a  
9 proclamation declaring a local state of emergency for the county  
10 or any portion thereof, with respect to any rented commercial  
11 property in the area that is the subject of the proclamation,  
12 the governor or mayor may declare that the landlord of the  
13 commercial property, if the tenant is a small business  
14 commercial tenant, shall:

- 15        (1) Upon receipt of a written request from the tenant,  
16                    suspend the collection of rent for the property,  
17                    beginning in the month following the landlord's  
18                    receipt of the request; provided that the landlord  
19                    shall not be obligated to suspend the collection for a  
20                    period longer than six months;





- 1        (2) Accept the foregoing written requests in hardcopy or  
2        electronic format, according to the tenant's  
3        preference;
- 4        (3) Not require the tenant to prove economic hardship for  
5        the purposes of this section;
- 6        (4) Not require the tenant to pay any fees, including late  
7        fees, for the rent collection suspension; and
- 8        (5) Send the tenant written notice regarding the date the  
9        tenant is obligated to commence paying rent.
- 10       (b) After the end of the suspension period, the landlord  
11 may collect the balance of the rent suspended under this  
12 section; provided that the suspended rent shall only be  
13 collected as part of a periodic payment plan that is of the same  
14 duration as the total suspension period; provided further that  
15 the landlord and the tenant may mutually agree to a shorter or  
16 longer duration.
- 17       (c) If a small business commercial tenant's lease expires  
18 during the period that the proclamation is in effect, and the  
19 tenant wishes to remain on the property, the lease shall  
20 automatically renew at the current rate of rent, unless, before  
21 the proclamation was issued, the tenant expressed in writing the



1 tenant's intent not to renew the lease, or the tenant agreed in  
2 writing to a different rate of rent. If the lease is not  
3 renewed, and the tenant wishes to remain on the property, the  
4 tenant shall continue to pay the landlord rent at the rate paid  
5 before the termination of the lease, but shall vacate the unit  
6 on the date specified in the proclamation, or if no date is  
7 specified, the expiration of the ninety-sixth hour after the  
8 effective date and time of the declaration, unless a  
9 supplementary proclamation extends the date. No late fees may  
10 be assessed or collected for rent accrued during the post-lease  
11 period.

12 (d) A landlord subject to this section shall be prohibited  
13 from initiating any action for, pursuing, or obtaining summary  
14 possession of the unit pursuant to chapter 666, or other form of  
15 eviction, until the ninetieth day after the expiration or  
16 rescission of the proclamation.

17 (e) For the purposes of this section, "small business  
18 commercial tenant" means any entity that:

19 (1) Is a corporation, nonprofit corporation, limited  
20 liability company, partnership, limited partnership,  
21 sole proprietorship, or other legal entity;



1       (2) Is owned and operated independently of any other  
2       corporation, nonprofit corporation, limited liability  
3       company, partnership, limited partnership, sole  
4       proprietorship, or other legal entity;

5       (3) Operates primarily within the State; and

6       (4) Is a lawful tenant of a lease into which the tenant  
7       and the respective landlord entered before the  
8       issuance of the proclamation described in  
9       subsection (a).

10       **§127A-F Loan deferment.**   (a) Whenever the governor issues  
11       a proclamation declaring a state of emergency for the entire  
12       State or any portion thereof, or a mayor issues a proclamation  
13       declaring a local state of emergency for the county or any  
14       portion thereof, with respect to any student loan, commercial  
15       loan, or consumer loan (including any credit extension) of any  
16       borrower who resides in the area that is the subject of the  
17       proclamation, the governor or mayor may declare that the lender  
18       or holder of the loan shall:

19       (1) Upon receipt of a written request from the borrower,  
20       defer the collection of loan payments; provided that



1 the lender or holder shall not be obligated to suspend  
2 the collection for a period longer than six months;

3 (2) Accept the foregoing written request in hardcopy or  
4 electronic format, according to the borrower's  
5 preference; and

6 (3) Not require the borrower to prove economic hardship  
7 for the purposes of this section.

8 (b) The repayment period for loans under deferment  
9 pursuant to this section shall be extended by a period of time  
10 equal to the entire period of deferment. The terms and  
11 conditions of each original loan, except for default,  
12 delinquency during deferment, and related fees or penalties,  
13 shall remain unchanged during the entire period of deferment.  
14 During any period of loan deferment under this section, no  
15 interest shall accrue on the respective loan.

16 **§127A-G Credit reporting agencies.** (a) Whenever the  
17 governor issues a proclamation declaring a state of emergency  
18 for the entire State or any portion thereof, or a mayor issues a  
19 proclamation declaring a local state of emergency for the county  
20 or any portion thereof, the governor or mayor may declare that



1 any person who resides in the area that is the subject of the  
2 proclamation may contact any:

3 (1) Consumer reporting agency and request exclusion of any  
4 adverse information obtained by the agency; and

5 (2) User of a consumer report for the person and request  
6 exclusion of consideration of any adverse information  
7 within the consumer report,

8 regarding the person's actions from the effective date of the  
9 proclamation through the ninetieth day after the effective date  
10 of the proclamation.

11 (b) Any consumer reporting agency or user of a consumer  
12 report that receives a request from a person pursuant to  
13 subsection (a) shall:

14 (1) Respond to the requestor within the time period  
15 prescribed by title 15 United States Code section  
16 1681i; and

17 (2) Honor the person's request, or in the alternative,  
18 should federal law bar the consumer reporting agency  
19 or user of a consumer report from honoring the  
20 request, provide a written explanation identifying the  
21 basis for the refusal.



1         (c) No consumer reporting agency that receives a request  
2 from a person pursuant to subsection (a) shall assess a fee from  
3 the person for the request."

4                             PART III

5             SECTION 6. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8             SECTION 7. In codifying the new sections added by  
9 section 5 of this Act, the revisor of statutes shall substitute  
10 appropriate section numbers for the letters used in designating  
11 the new sections in this Act.

12            SECTION 8. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14            SECTION 9. This Act shall take effect on July 1, 3000.



**Report Title:**

Emergency Management Powers; State of Emergency; Price Control;  
Tenants; Mortgagors; Consumers; Relief

**Description:**

Clarifies that the Governor's and mayors' emergency management powers shall be consistent with the state constitution. Clarifies the scope of the comprehensive emergency management plan. Clarifies the powers of the Governor and mayors to extend or terminate a state of emergency. Shortens the duration of price control periods from ninety-six hours to seventy-two hours. Amends emergency management law to protect tenants, mortgagors, consumers, and residents for certain periods of time after the issuance of a gubernatorial or mayoral emergency proclamation. Effective 7/1/3000. (SD2)

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

