
A BILL FOR AN ACT

RELATING TO EVICTION MEDIATION.

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

1 SECTION 1. The legislature finds that, due to wildfires on
2 Maui during 2023, thousands of Hawaii residents have lost their
3 jobs and have been unable to pay their rent. The governor has
4 issued proclamations relating to wildfires to provide
5 protections for tenants struggling to pay rent during this time,
6 including an eviction moratorium that prohibits any eviction
7 from a residential dwelling unit for failure to pay rent. The
8 legislature finds, however, that the eviction moratorium will
9 expire. Therefore, a balanced approach is needed to help reduce
10 the large number of summary possession cases that are expected
11 to follow the expiration of certain wildfire proclamations.

12 Accordingly, the purpose of this Act is to delay filing an
13 action for summary possession for certain tenancies affected by
14 the eviction moratorium contained in certain emergency
15 proclamations issued by the governor.

16 SECTION 2. (a) This section shall apply to any tenancy
17 subject to suspension of sections 521-68 and 521-71, and chapter



1 666, Hawaii Revised Statutes, under emergency proclamations
2 issued by the governor and relating to wildfires when it becomes
3 legally permissible to terminate a residential tenancy for
4 nonpayment of rent.

5 (b) No landlord shall bring an action for summary
6 possession for a tenant's failure to pay rent except pursuant to
7 this section and as follows:

8 (1) Beginning on the first day after the expiration date
9 of the final eviction moratorium through the
10 thirtieth day after the expiration date of the final
11 eviction moratorium, the rent due shall be equal to or
12 greater than four months of rent;

13 (2) Beginning on the thirty-first day after the expiration
14 date of the final eviction moratorium through the
15 ninety-first day after the expiration date of the
16 final eviction moratorium, the rent due shall be equal
17 to or greater than three months of rent;

18 (3) Beginning on the ninety-second day after the
19 expiration date of the final eviction moratorium
20 through the one hundred fifty-second day after the
21 expiration date of the final eviction moratorium, the



1 rent due shall be equal to or greater than two months
2 of rent; and

3 (4) Beginning on the one hundred fifty-third day after the
4 expiration date of the final eviction moratorium
5 through the three hundred sixty-fifth day after the
6 expiration day of the final eviction moratorium, the
7 rent due shall be equal to or greater than one month
8 rent.

9 (c) For purposes of this Act, "final eviction moratorium"
10 means an emergency proclamation or supplementary proclamation,
11 or any extension thereof, issued by the governor and relating to
12 wildfires, that prohibits any eviction from a residential
13 dwelling for a failure to pay rent, and either is not renewed by
14 the governor or, if renewed or extended, does not include any
15 prohibition related to evictions from a residential dwelling
16 unit for failure to pay rent; provided that nothing in this
17 section shall prevent the governor from either reinstating or
18 issuing a new emergency proclamation that contains a prohibition
19 against eviction from a residential dwelling for failure to pay
20 rent.



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

7 SECTION 4. This Act shall not be applied so as to impair
8 any contract existing as of the effective date of this Act in a
9 manner violative of either the Hawaii State Constitution or
10 article I, section 10, of the United States Constitution.

11 SECTION 5. This Act shall take effect on July 1, 2040;
12 provided that:

- 13 (1) The governor shall notify the chief justice,
14 legislature, and revisor of statutes no later than
15 twenty days before the expiration of the final
16 eviction moratorium identified in section 2 of this
17 Act, that the governor will not issue any further
18 eviction moratoria in response to the wildfires; and
19 (2) Section 2 of this Act shall take effect on the date of
20 the expiration of the final eviction moratorium.



Report Title:

Failure to Pay Rent; Wildfires; Emergency Proclamations; Summary Possession

Description:

Delays filing an action for summary possession for certain tenancies affected by the eviction moratorium contained in certain emergency proclamations issued by the Governor. Effective 7/1/2040. (HD1)

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