
A BILL FOR AN ACT

RELATING TO RESIDENTIAL TENANTS.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to title 36 to be appropriately designated
3 and to read as follows:

4 **"CHAPTER**

5 **RESIDENTIAL TENANT ACTS AND LANDLORD LIABILITY**

6 § -1 **Definitions.** For the purposes of this chapter,
7 unless the context requires otherwise:

8 "Act of harassment" means harassment, assault, stalking,
9 theft, or any similar act.

10 "Dwelling unit", "landlord", "owner", "premises", and
11 "tenant" shall have the same meaning as in section 521-8.

12 "Individual" means a natural person.

13 "Neighbor" means:

14 (1) An individual residing in; or

15 (2) A person that is the owner of,

16 a dwelling unit adjacent to or within feet of the dwelling

17 unit of a tenant.



1 "Person" means an individual or an entity.

2 § -2 **Landlord liability; when applied.** (a) If a tenant
3 disturbs a neighbor's quiet enjoyment of the neighbor's dwelling
4 unit by any act of harassment, the neighbor may file a complaint
5 seeking relief from the tenant's landlord. Summons shall be
6 served and shall be returnable within the time provided by the
7 rules of court.

8 (b) A landlord shall not be held liable for relief
9 pursuant to this chapter if a neighbor fails to prove, by a
10 preponderance of the evidence, that the landlord's tenant
11 committed the alleged act of harassment.

12 (c) In determining whether a landlord is liable for relief
13 pursuant to this chapter, the court shall consider:

14 (1) Whether the tenant committed the act of harassment on
15 or from the tenant's dwelling unit or the premises of
16 the unit;

17 (2) Whether the landlord could have taken steps to
18 intervene to prevent the act of harassment without
19 violating chapter 521 or any other law intended to
20 protect tenants or residents;

21 (3) The credibility of all witnesses;



- 1 (4) Whether the landlord had actual notice of prior,
2 similar act of harassment that were proven to have
3 been committed by the tenant, and if so proven,
4 whether the landlord instructed the tenant to refrain
5 from repeating those acts;
- 6 (5) Whether the neighbor prevailed against the landlord in
7 a prior proceeding conducted pursuant to this chapter;
8 and
- 9 (6) Other relevant factors.

10 (d) Relief available to a neighbor pursuant to this
11 chapter may include compensatory damages and any other damages
12 available under law; provided that in awarding damages, the
13 court shall consider whether the neighbor prevailed against the
14 landlord in a prior proceeding conducted pursuant to this
15 chapter.

16 § -3 **Automatic possession.** (a) The neighbor's
17 complaint may also request that the court issue a writ for the
18 landlord's possession of the premises in question; provided that
19 the tenant is named as a co-defendant in the complaint, and
20 summons is served within the time provided by the rules of
21 court.

1 (b) In determining whether to issue a writ of possession,
2 the court shall consider:

3 (1) The nature of the act of harassment proven to have
4 been committed by the tenant;

5 (2) Whether the tenant previously committed other acts of
6 harassment against the neighbor;

7 (3) Whether the landlord is willing to take possession of
8 the property; and

9 (4) Other relevant factors.

10 (c) If the court issues a writ of possession, the writ
11 shall be executed pursuant to chapter 666.

12 § -4 **Other relief not affected.** This chapter shall not
13 be construed to prohibit any person from seeking relief under
14 common law or any other law."

15 SECTION 2. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 3. If any provision of this Act, or the
19 application thereof to any person or circumstance, is held
20 invalid, the invalidity does not affect other provisions or
21 applications of the Act that can be given effect without the

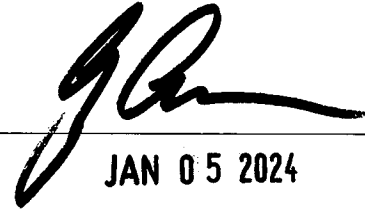


1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



JAN 05 2024



Report Title:

Landlords; Tenants; Rentals; Neighbors; Harassment; Liability

Description:

Establishes a process by which a neighbor of a tenant may seek relief from the tenant's landlord for acts of harassment by the tenant. Includes an alternative process for the eviction of tenants.

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

