

JAN 19 2024

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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 SECTION 1. Chapter 127A, Hawaii Revised Statutes, is  
2 amended by adding nine new sections to be appropriately  
3 designated and to read as follows:

4 "§127A-A Residential tenants; suspension of rent  
5 collection. (a) Whenever the governor issues a proclamation  
6 declaring a state of emergency for the entire State or any  
7 portion thereof, or a mayor issues a proclamation declaring a  
8 local state of emergency for the county or any portion thereof,  
9 with respect to any residential dwelling unit in the area that  
10 is the subject of the proclamation, the landlord of the rental  
11 unit shall:

12 (1) Upon receipt of a written request from a tenant of the  
13 unit, suspend the collection of rent for the unit for  
14 a three-month period, beginning in the month following  
15 the landlord's receipt of the request;

16 (2) Upon receipt of a subsequent written request from a  
17 tenant of the unit, suspend the collection of rent for



1 the unit for an additional three-month period,  
2 beginning at the end of the initial period of  
3 suspension;

4 (3) Accept the foregoing written requests in hardcopy or  
5 electronic format, according to the tenant's  
6 preference;

7 (4) Not require the tenant to prove economic hardship for  
8 the purposes of this section;

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

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

13 (b) After the end of the suspension period, the landlord  
14 may collect the balance of the rent suspended under this  
15 section; provided that the suspended rent shall only be  
16 collected as part of a periodic payment plan that is of the same  
17 duration as the total suspension period.

18 **§127A-B Residential dwelling units; summary possession**  
19 **moratorium.** Whenever the governor issues a proclamation  
20 declaring a state of emergency for the entire State or any  
21 portion thereof, or a mayor issues a proclamation declaring a



1 local state of emergency for the county or any portion thereof,  
2 with respect to any residential dwelling unit in the area that  
3 is the subject of the proclamation:

4 (1) No court having jurisdiction for an action for summary  
5 possession pursuant to chapter 666 or other form of  
6 eviction action shall:

7 (A) Accept for filing any complaint or summons for  
8 possession of the unit;

9 (B) Enter a judgment or default judgment for a  
10 plaintiff for possession of the unit;

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

12 (D) Deny, upon the request of a defendant, a stay of  
13 execution or continuance of the summary  
14 possession action;

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

19 (3) No sheriff, deputy sheriff, or other law enforcement  
20 officer shall enforce or levy upon a writ of  
21 possession,



1 until the date specified in the proclamation, or if no date is  
2 specified, the expiration of the ninety-sixth hour after the  
3 effective date and time of the declaration, unless a  
4 supplementary proclamation extends the date.

5 **§127A-C Residential property; foreclosure moratorium.**

6 Whenever the governor issues a proclamation declaring a state of  
7 emergency for the entire State or any portion thereof, or a  
8 mayor issues a proclamation declaring a local state of emergency  
9 for the county or any portion thereof, with respect to any  
10 residential property, as defined in section 667-1, that is in  
11 the area that is the subject of the proclamation:

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

19 (A) Cause publication of notice of a foreclosure sale  
20 pursuant to chapter 667;

21 (B) Exercise a power of sale;



1           (C) Exercise a right of entry; or  
2           (D) Initiate any action to possess the property;  
3       (2) Any deadline or time period for action by a party in  
4           foreclosure proceedings, including any deadline to  
5           respond to a notice or to appeal a judgment, shall be  
6           extended; and  
7       (3) No sheriff, deputy sheriff, or other law enforcement  
8           officer shall enforce or proceed with any foreclosure  
9           sale or action,  
10       until the date specified in the proclamation, or if no date is  
11       specified, the expiration of the ninety-sixth hour after the  
12       effective date and time of the declaration, unless a  
13       supplementary proclamation extends the date.

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

1       (1) Upon receipt of a request from a mortgagor of the  
2       property, defer the collection of mortgage payments  
3       for three years; and

4       (2) Upon receipt of a subsequent request from a mortgagor  
5       of the property, defer the collection of mortgage  
6       payments for \_\_\_\_\_ years for good cause, as  
7       determined by rules adopted pursuant to section  
8       127A-25.

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

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

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



1           (e) Within one month of the effective date of Act ,  
2 Session Laws of Hawaii 2024, the Hawaii emergency management  
3 agency shall:

4           (1) Notify mortgagors of real property within the State  
5           about the deferment program; and

6           (2) Publish on the agency's website information about the  
7           deferment program, including eligibility requirements.

8           §127A-E Small business commercial tenants; suspension of  
9 rent collection and summary possession. (a) Whenever the

10 governor issues a proclamation declaring a state of emergency  
11 for the entire State or any portion thereof, or a mayor issues a  
12 proclamation declaring a local state of emergency for the county  
13 or any portion thereof, with respect to any rented commercial  
14 property in the area that is the subject of the proclamation,  
15 the landlord of the commercial property, if the tenant is a  
16 small business commercial tenant, shall:

17           (1) Upon receipt of a written request from the tenant,  
18           suspend the collection of rent for the property,  
19           beginning in the month following the landlord's  
20           receipt of the request; provided that the landlord



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

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

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

8           (4) Not require the tenant to pay any fees, including late  
9           fees, for the rent collection suspension; and

10          (5) Send the tenant written notice regarding the date the  
11          tenant is obligated to commence paying rent.

12          (b) After the end of the suspension period, the landlord  
13 may collect the balance of the rent suspended under this  
14 section; provided that the suspended rent shall only be  
15 collected as part of a periodic payment plan that is of the same  
16 duration as the total suspension period; provided that the  
17 landlord and the tenant may mutually agree to a shorter or  
18 longer duration.

19          (c) If a small business commercial tenant's lease expires  
20 during the period that the proclamation is in effect, and the  
21 tenant wishes to remain on the property, the lease shall





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

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

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



- 1        (1) Is a corporation, nonprofit corporation, limited
- 2        liability company, partnership, limited partnership;
- 3        sole proprietorship, or other legal entity;
- 4        (2) Is owned and operated independently of any other
- 5        corporation, nonprofit corporation, limited liability
- 6        company, partnership, limited partnership; sole
- 7        proprietorship, or other legal entity;
- 8        (3) Operates primarily within the State; and
- 9        (4) Is a lawful tenant of a lease into which the tenant
- 10       and the respective landlord entered before the
- 11       issuance of the proclamation described in
- 12       subsection (a).

13        **§127A-F Loan deferment.**    (a) Whenever the governor issues

14       a proclamation declaring a state of emergency for the entire

15       State or any portion thereof, or a mayor issues a proclamation

16       declaring a local state of emergency for the county or any

17       portion thereof, with respect to any student loan, commercial

18       loan, or consumer loan (including any credit extension) of any

19       borrower who resides in the area that is the subject of the

20       proclamation, the lender or holder of the loan shall:



- 1        (1) Upon receipt of a written request from the borrower,  
2        defer the collection of loan payments; provided that  
3        the lender or holder shall not be obligated to suspend  
4        the collection for a period longer than six months;  
5        (2) Accept the foregoing written request in hardcopy or  
6        electronic format, according to the borrower's  
7        preference; and  
8        (3) Not require the borrower to prove economic hardship  
9        for the purposes of this section.

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

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



1 or any portion thereof, any person who resides in the area that  
2 is the subject of the 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 five days; and

15 (2) Honor the person's request.

16 (c) No consumer reporting agency that receives a request  
17 from a person pursuant to subsection (a) shall assess a fee from  
18 the person for the request.

19 **§127A-H Associations; insurance.** No association as  
20 defined in section 421J-2 or 514B-3 shall require any unit owner  
21 to purchase insurance for emergencies or disasters likely to be



1 addressed by proclamations under this chapter, except to the  
2 extent the association is authorized by the association's  
3 governing documents or applicable federal or state law.

4 **§127A-I Penalties for certain actions.** Any violation of  
5 any of the provisions of sections 127A-A through 127A-H shall  
6 constitute unfair methods of competition and unfair and  
7 deceptive acts or practices in the conduct of any trade or  
8 commerce under section 480-2 and shall be subject to a civil  
9 penalty as provided in section 480-3.1."

10 SECTION 2. Section 127A-14, Hawaii Revised Statutes, is  
11 amended by amending subsection (d) to read as follows:

12 "(d) Any proclamation issued under this chapter that fails  
13 to state a time at which it will take effect shall take effect  
14 at twelve noon of the day on which it takes effect. A state of  
15 emergency and a local state of emergency shall terminate  
16 automatically sixty days after the issuance of a proclamation of  
17 a state of emergency or local state of emergency, respectively,  
18 or by a separate proclamation of the governor or mayor,  
19 whichever occurs first."



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.

4 SECTION 4. In codifying the new sections added by  
5 section 1 of this Act, the revisor of statutes shall substitute  
6 appropriate section numbers for the letters used in designating  
7 the new sections in this Act.

8 SECTION 5. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on July 1, 2024.

10

INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to be "Gus", written over a horizontal line.

# S.B. NO. 2904

**Report Title:**

Emergency Management; Tenants; Mortgagors; Consumers; Relief

**Description:**

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. Classifies violations as unfair methods of competition and unfair and deceptive acts or practices.

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

