

JAN 17 2025

A BILL FOR AN ACT

RELATING TO THE LANDLORD TENANT CODE.

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

1 SECTION 1. Section 521-69, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§521-69 Landlord's remedies for tenant's waste, failure**
4 **to maintain, or unlawful use.** (a) If the tenant is in material
5 noncompliance with section 521-51, the landlord, upon learning
6 of [~~any such~~] the noncompliance and after notifying the tenant
7 in writing of the noncompliance and allowing a specified time
8 not less than ten days after receipt of the notice, for the
9 tenant to remedy the noncompliance:

10 (1) May terminate the rental agreement and bring a summary
11 proceeding for possession of the dwelling unit or any
12 other proper proceeding, action, or suit for
13 possession if the tenant is in material noncompliance
14 with section 521-51(1); [~~or~~]

15 (2) May remedy the tenant's failure to comply and bill the
16 tenant for the actual and reasonable cost of [~~such~~]
17 the remedy if the noncompliance can be remedied by the



landlord by cleaning, repairing, replacing a damaged item, or the like, which bill shall be treated by all parties as rent due and payable on the next regular rent collection date or, if the tenancy has terminated, immediately upon receipt by the tenant[-];

or

(3) May petition a district court for a temporary restraining order, permanent restraining order, or injunction to compel the tenant's compliance with section 521-51; provided that:

(A) The landlord may seek an injunction alone or may join a claim for an injunction with a summary possession claim;

(B) If the district court issues either a preliminary or permanent injunction against the tenant and the court subsequently determines that the tenant has violated the injunction, the court shall issue to the landlord a judgment for possession and writ of possession;

(C) A petition for relief filed under this subsection concerning a violation of section 521-51 shall be



1 in writing, shall allege that a violation of
2 section 521-51 has occurred, and shall be
3 accompanied by an affidavit made under oath or a
4 statement made under penalty of perjury stating
5 the specific facts and circumstances for which
6 relief is sought;

7 (D) The petition shall be set for a return hearing
8 and notice served on the tenant in the same
9 manner as a complaint for summary possession;

10 (E) At the return hearing, the court may temporarily
11 restrain the person or persons named in the
12 petition from violating section 521-51 upon a
13 determination that there is probable cause to
14 believe that a violation of section 521-51
15 occurred and that an injunction is reasonably
16 necessary for the preservation of the property or
17 to protect the landlord, other tenants, or any
18 other person. The court may issue a temporary
19 restraining order either in writing or orally;
20 provided that oral orders shall be reduced to
21 writing by the close of the next court day;



1 (F) Any order issued under this subsection shall be
2 served upon the tenant via personal service or
3 certified mail, unless the tenant was present at
4 the hearing at which the court orally issued the
5 order;

6 (G) Where service of a restraining order or
7 injunction has been made or where the tenant is
8 deemed to have received notice of a restraining
9 order or injunction order, any knowing or
10 intentional violation of the restraining order or
11 injunction order shall subject the tenant to
12 paragraph (L);

13 (H) A temporary restraining order that is granted
14 under this subsection shall remain in effect at
15 the discretion of the court for a period not to
16 exceed ninety days from the date the order is
17 granted. A temporary injunction may be extended
18 for up to three years by the court if the
19 landlord proves by a preponderance of the
20 evidence that the tenant has violated section
21 521-51;



1 (I) Upon the request of the tenant, the court may set
2 an evidentiary hearing to determine if a
3 temporary restraining order shall be dissolved,
4 remain in effect for the initial ninety days, or
5 become permanent and remain in effect for up to
6 three years. The evidentiary hearing shall be
7 held within ten days after a request to dissolve
8 is received from the tenant unless a court
9 closure due to a holiday or other reason prevents
10 the hearing from taking place, in which case the
11 hearing shall occur on the next available hearing
12 date. The temporary restraining order shall be
13 considered in effect until the court hears and
14 adjudicates any request to dissolve the temporary
15 restraining order;

16 (J) The parties named in the petition may file
17 written responses or give oral responses
18 explaining, excusing, justifying, or denying the
19 alleged violation of section 521-51. The court
20 shall receive at the hearing all relevant
21 evidence and may make independent inquiry;



1 (K) If the court finds by a preponderance of the
2 evidence that a violation of section 521-51 has
3 occurred, in addition to any other relief
4 provided for by law, the court shall issue to the
5 landlord a judgment for possession and writ of
6 possession for the rented premises, effective
7 immediately; and

8 (L) If the tenant violates a restraining order issued
9 under this subsection, the landlord may
10 immediately file a motion with the court
11 regarding the violation of the restraining order
12 and may seek a judgment for possession and writ
13 of possession to remove the tenant from the
14 rented premises. The hearing on the motion shall
15 be heard within ten days of its filing, unless a
16 court closure due to a holiday or other reason
17 prevents the hearing from taking place, in which
18 case the hearing shall occur on the next
19 available hearing date. If the matter is not
20 resolved by motion, the court may order an
21 evidentiary hearing upon the request of either



1 party. If the court finds by a preponderance of
2 the evidence that a violation of the temporary
3 restraining order has occurred, the court shall
4 issue to the landlord a judgment for possession
5 and writ of possession, effective immediately.
6 The parties named in the petition may file
7 written responses or give oral responses
8 explaining, excusing, justifying, or denying the
9 alleged violation of the temporary restraining
10 order. The court shall receive at the hearing
11 all relevant evidence and may make independent
12 inquiry.

13 (b) No allowance of time to remedy noncompliance shall be
14 required when noncompliance by the tenant causes or threatens to
15 cause irreparable damage to any person or property. If the
16 tenant cannot be served with notice as required, notice may be
17 given the tenant by posting the same in a conspicuous place on
18 the dwelling unit.

19 ~~[(b)]~~ (c) The landlord may terminate the rental agreement
20 and bring a summary proceeding for possession of the dwelling
21 unit or any other proper proceeding, action, or suit for



1 possession for any material noncompliance with section 521-51 by
2 a roomer or boarder if the roomer or boarder fails to comply
3 within the time specified in the notice.

4 ~~[(e)]~~ (d) The landlord may bring an action or proceeding
5 for waste or for breach of contract for damage suffered by the
6 tenant's wilful or negligent failure to comply with the tenant's
7 obligations under section 521-51.


8 (e) Nothing in this section shall be construed to prohibit
9 constitutionally protected activities."

10 SECTION 2. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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

16
INTRODUCED BY:



S.B. NO. 822

Report Title:

Landlord Tenant Code; Waste; Failure to Maintain; Unlawful Use

Description:

Authorizes a landlord to petition a district court for a temporary restraining order, permanent restraining order, or injunction to compel a tenant's compliance with section 521-51, Hawaii Revised Statutes.

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

