

ACT 146

H.B. NO. 684

A Bill for an Act Relating to the Landlord Tenant Code.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 521-69, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) If the tenant is in material noncompliance with section 521-51, the landlord, upon learning of any such noncompliance and after notifying the tenant in writing of the noncompliance and allowing a specified time not less than [fifteen] ten days after receipt of the notice, for the tenant to remedy the noncompliance:

- (1) May terminate the rental agreement and bring a summary proceeding for possession of the dwelling unit or any other proper proceeding, action, or suit for possession if the tenant is in material noncompliance with section 521-51(1); or
- (2) May remedy the tenant’s failure to comply and bill the tenant for the actual and reasonable cost of such 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.

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

SECTION 2. Section 521-72, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) If the tenant breaches any rule authorized under section 521-52, the landlord may notify the tenant in writing of his breach. The notice shall specify the time, not less than [fifteen] ten days, within which the tenant is required to remedy the breach and shall be in substantially the following form:

“(Name and address of tenant) (date)

You are hereby notified that you have failed to perform according to the following rule:

(specify rule allegedly breached)

Be informed that if you (continue violating) (again violate) this rule after (a date not less than [fifteen] ten days after this notice), the landlord may terminate the rental agreement and sue for possession of your dwelling unit.”

No allowance of time to remedy the breach of any rule authorized under section 521-52 shall be required when the breach by the tenant causes or threatens to cause damage to any person or constitutes a violation of section 521-51(1) or (6).”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 28, 1983.)