

ACT 86

S.B. NO. 2605

A Bill for an Act Relating to Disaster Relief and Rehabilitation.

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

SECTION 1. Section 209-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Whenever the governor declares a state disaster for the entire State or any portion thereof, or when the State, or any portion thereof, is the subject of a severe weather warning:

- (1) There shall be prohibited any increase in the selling price of any commodity, whether at the retail or wholesale level, in the area that is the subject of the disaster declaration or the severe weather warning; and
- (2) No landlord shall terminate any tenancy for a residential dwelling

unit in the area that is the subject of a disaster declaration or a severe weather warning, except for a breach of a material term of a rental agreement or lease, or if the unit is [deemed to be structurally unsafe.] unfit for occupancy as defined in this chapter, provided that:

- (A) Nothing in this chapter shall be construed to extend a fixed term lease beyond its termination date, except that a periodic tenancy for a residential dwelling unit may be terminated by the landlord upon forty-five days written notice:
 - (i) When the residential dwelling unit is sold to a bona fide purchaser for value; or
 - (ii) When the landlord or an immediate family member of the landlord will occupy the residential dwelling unit; or
- (B) Under a fixed term lease or a periodic tenancy, upon forty-five days written notice, a landlord may require a tenant or tenants to relocate during the actual and continuous period of any repair to render a residential dwelling unit fit for occupancy provided that:
 - (i) Reoccupancy shall first be offered to the same tenant or tenants upon completion of the repair; and
 - (ii) The term of the fixed term lease or periodic tenancy shall be extended by a period of time equal to the duration of the repair; and
 - (iii) It shall be the responsibility of the tenant or tenants to find other accommodations during the period of repair.

As used in this section, "breach of a material term" means the failure of a party to perform an obligation under the rental agreement which constitutes the consideration for entering into the contract and includes the failure to make a timely payment of rent. For the purpose of this subsection:

"Fixed term lease" means a lease for real property that specifies its beginning date and its termination date as calendar dates, or contains a formula for determining the beginning and termination dates; and the application of the formula as of the date of the agreement will produce a calendar date for the beginning and termination of the lease.

"Periodic tenancy" means a tenancy wherein real property is leased for an indefinite time with monthly or other periodic rent reserved. A periodic tenancy may be created by express agreement of the parties, or by implication upon the expiration of a fixed term lease when neither landlord nor tenant provides the other with written notice of termination and the tenant retains possession of the premises for any period of time after the expiration of the original term.

"Unfit for occupancy" means that a residential dwelling unit has been damaged to the extent that the appropriate county agency determines that the unit creates a dangerous or unsanitary situation and is dangerous to the occupants or to the neighborhood."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 7, 1994.)