

ACT 42

S.B. NO. 1748

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

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

SECTION 1. Section 521-64, Hawaii Revised Statutes, is amended by amending subsections (b), (c), and (d) to read as follows:

“(b) If the landlord fails to perform in the manner specified in subsection (a), the tenant may:

- (1) Immediately do or have done the necessary repairs in a [workmanlike] competent manner, and upon submission to the landlord of receipts amounting to at least the sum deducted, deduct from the tenant’s rent not more than [\$300] \$500 for the tenant’s actual expenditures for work done to correct the health or safety violation; or
- (2) Submit to the landlord, at least five business days before having the work done, written signed estimates from each of two qualified [workmen] workers and proceed to have done the necessary work by the [workman] worker who provides the lower estimate; provided that the landlord may require in writing a reasonable substitute [workman] worker or substitute materials, and upon submission to the landlord of receipts amounting to at least the sum deducted, the tenant may deduct [\$300] \$500 or one month’s rent, whichever is greater, for the tenant’s actual expenditures for work done to correct the health or safety violation.

(c) The landlord, upon written notification by the tenant of any defective condition on the premises which is in material noncompliance with section 521-42(a) or with the rental agreement, shall commence repairs of the condition within twelve business days of the notification with a good faith requirement that the repairs be completed as soon as possible; provided that if the landlord is unable to commence repairs within twelve business days for reasons beyond the landlord’s control the landlord shall inform the tenant of the reason for the delay and set a reasonable tentative date on which repairs will commence. In any case involving repairs, except those required due to misuse by the tenant, to electrical, plumbing, or other facilities, including major appliances provided by the landlord pursuant to the rental agreement, necessary to provide sanitary and habitable living conditions, the [landord] landlord shall commence repairs within three business days of receiving

oral or written notification, with a good faith requirement that the repairs be completed as soon as possible; provided that if the landlord is unable to commence repairs within three business days for reasons beyond the landlord's control the landlord shall inform the tenant of the reasons for the delay and set a reasonable tentative date on which repairs will commence.

(d) If the landlord fails to perform in the manner specified in subsection (c), the tenant may immediately do or have done the necessary work in a [workmanlike] competent manner and upon submission to the landlord of receipts amounting to at least the sums deducted, deduct from the tenant's rent not more than [\$300] \$500 for the tenant's actual expenditures for work done to correct the defective condition."

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 April 24, 1995.)