

ACT 206

H.B. NO. 1902

A Bill for an Act Relating to Emergency Management.

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

SECTION 1. Section 127A-1, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) It is the intent of the legislature to provide for and confer comprehensive powers for the purposes stated herein. This chapter shall be liberally construed to effectuate its purposes; provided that this chapter shall not be construed as conferring any power or permitting any action ~~[which] that~~ is inconsistent with the Constitution and laws of the United States~~[-]~~ or the Hawaii State Constitution, but, in so construing this chapter, due consideration shall be given to the circumstances as they exist from time to time. This chapter shall not be deemed to have been amended by any act hereafter enacted at the same or any other session of the legislature, unless this chapter is amended by express reference.”

SECTION 2. Section 127A-3, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The agency shall perform emergency management functions within the territorial limits of the State. In performing its duties, the agency shall:

- (1) Prepare a state comprehensive emergency management plan, which shall be integrated into and coordinated with the emergency management plans of the federal government. The plan shall be integrated by a continuous, integrated comprehensive emergency management program. The plan shall contain provisions to ensure that the State ~~[is prepared]~~ prepares for, mitigates against, responds to, and recovers from emergencies and minor, major, and catastrophic disasters. In preparing and maintaining the plan, the agency shall work closely with agencies and organizations with emergency management responsibilities;

- (2) Assign lead and support responsibilities to state agencies and personnel for emergency management functions[,] and other support activities;
- (3) Adopt standards and requirements for county emergency management plans. The standards and requirements shall ensure that county plans are coordinated and consistent with the state comprehensive emergency management plan;
- (4) Make recommendations to the legislature, building code organizations, and counties for zoning, building, and other land use controls; and other preparedness, prevention, and mitigation measures designed to eliminate emergencies or reduce their impact;
- (5) Anticipate trends and promote innovations that will enhance the emergency management system;
- (6) Institute statewide public awareness programs. This shall include intensive public educational campaigns on emergency preparedness issues, including but not limited to the personal responsibility of individual citizens to be self-sufficient for up to fourteen days following a natural or human-caused disaster;
- (7) Coordinate federal, state, and local emergency management activities and take all other steps, including the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters;
- (8) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This shall include a continuous training program for agencies and individuals that will be called on to perform key roles in state and local post-disaster response and recovery efforts and for local government personnel on federal and state post-disaster response and recovery strategies and procedures;
- (9) Adopt standards and requirements for state agency emergency operating procedures and periodically review emergency operating procedures of state agencies and recommend revisions as needed to ensure consistency with the state comprehensive emergency management plan and program; and
- (10) Coordinate, in advance whenever possible, such executive orders, proclamations, and rules for issuance by the governor as are necessary or appropriate for coping with emergencies and disasters.”

SECTION 3. Section 127A-14, Hawaii Revised Statutes, is amended to read as follows:

“§127A-14 **State of emergency.** (a) The governor may declare the existence of a state of emergency in the State by proclamation if the governor finds that an emergency or a disaster has occurred or that there is imminent danger or threat of an emergency or a disaster in any portion of the State.

(b) A mayor may declare the existence of a local state of emergency in the county by proclamation if the mayor finds that an emergency or a disaster has occurred or that there is imminent danger or threat of an emergency or a disaster in any portion of the county.

(c) The governor or mayor shall be the sole judge of the existence of the danger, threat, or circumstances giving rise to a declaration, an extension, or a termination of a state of emergency in the State or a local state of emergency in

the county, as applicable. This section shall not limit the power and authority of the governor under section 127A-13(a)(5).

(d) A state of emergency and a local state of emergency shall terminate automatically sixty days after the issuance of a proclamation of a state of emergency or local state of emergency, respectively, ~~of~~ unless extended or terminated by a separate or supplementary proclamation of the governor or mayor~~[- which ever occurs first].~~”

SECTION 4. Section 127A-30, Hawaii Revised Statutes, is amended by amending subsections (a) to (c) to read as follows:

“(a) Whenever the governor declares a state of emergency for the entire State or any portion thereof, or a mayor declares a local state of emergency for the county 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 proclamation or ~~the~~ severe weather warning; provided that the prohibition may be restricted to particular commodities in the proclamation; and

(2) No landlord shall terminate any tenancy for a residential dwelling unit in the area that is the subject of the proclamation or ~~the~~ severe weather warning, except for a breach of a material term of a rental agreement or lease, or if the unit is 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;
- (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.

(b) Notwithstanding this section, any additional operating expenses incurred by the seller or landlord because of the emergency ~~of~~ disaster, or ~~the~~ severe weather ~~[- and which] warning that can be documented~~~~[-]~~ may be passed on to the consumer. In the case of a residential dwelling unit, if rent increases are contained in a written instrument that was signed by the tenant ~~[prior to]~~ before the declaration or severe weather warning, the increases may take place pursuant to the written instrument.

(c) The prohibitions under subsection (a) shall remain in effect until twenty-four hours after the severe weather warning is canceled by the ~~[National Weather Service;]~~ issuing agency; or in the event of a declaration, ~~[the later of a~~

~~date specified by the governor or mayor in the declaration or ninety-six]~~ seventy-two hours after the effective date and time of the declaration, unless ~~[such]~~ the prohibition is identified and continued ~~[by a supplementary declaration issued]~~ and the types of commodities are identified by the governor or mayor~~[-]~~ in the proclamation or any supplementary proclamation. Any proclamation issued under this chapter that fails to state the time at which it will take effect, shall take effect at ~~[twelve]~~ noon ~~[of]~~ on the day on which it takes effect.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved July 5, 2024.)