
A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1 SECTION 1. Chapter 127A, Hawaii Revised Statutes, is
2 amended by adding eight new sections to be appropriately
3 designated and to read as follows:

4 "§127A- Eviction moratorium. (a) Whenever the
5 governor declares a state of emergency for the entire State or
6 any portion thereof, or a mayor declares a local state of
7 emergency for the county or any portion thereof, no court having
8 jurisdiction of an action for summary possession pursuant to
9 chapter 666 or other form of eviction action shall:

10 (1) Enter a judgment for possession or default judgment
11 for possession for the plaintiff of a residential
12 dwelling unit;

13 (2) Issue a writ of possession for a residential dwelling
14 unit;

15 (3) Accept for filing a complaint for possession of a
16 residential dwelling unit; or



1 (4) Deny, upon the request of a defendant, a stay of
2 execution of a writ of possession or motion for
3 continuance of a summary possession proceeding.

4 (b) Any deadline or time period for action by a defendant
5 in a summary possession proceeding, such as a date to answer a
6 complaint or appeal a judgment for possession, shall be tolled
7 until the later of a date specified by the governor or mayor in
8 the declaration or ninety-six hours after the effective date and
9 time of the declaration, unless the prohibition is continued by
10 a supplementary declaration issued by the governor or mayor.
11 Any proclamation issued under this chapter that fails to state
12 the time at which it will take effect, shall take effect at
13 twelve noon of the day on which it takes effect.

14 (c) No sheriff, deputy sheriff, police officer, or
15 independent civil process server from the department of law
16 enforcement's list under section 353C-11, shall execute a writ
17 of possession until the later of a date specified by the
18 governor or mayor in the declaration or ninety-six hours after
19 the effective date and time of the declaration, unless the
20 prohibition is continued by a supplementary declaration issued
21 by the governor or mayor. Any proclamation issued under this



1 chapter that fails to state the time at which it will take
2 effect, shall take effect at twelve noon of the day on which it
3 takes effect.

4 §127A- Foreclosure moratorium. (a) Whenever the
5 governor declares a state of emergency for the entire State or
6 any portion thereof, or a mayor declares a local state of
7 emergency for the county or any portion thereof, no creditor,
8 mortgagee or mortgagee's agent, person with an estate in the
9 land mortgaged, person authorized by a power of sale pursuant to
10 part II of chapter 667, person with right of entry, or attorney
11 representing a foreclosing mortgagee, shall for the purposes of
12 foreclosure of a residential property:

13 (1) Publish a public notice of public sale pursuant to
14 section 667-21;

15 (2) Enforce a power of sale pursuant to section 667-39;

16 (3) Exercise a right of entry; or

17 (4) Initiate an action for summary possession pursuant to
18 chapter 666.

19 (b) Any deadline or time period for action by a party to a
20 foreclosure proceeding, such as a date to respond to a notice or
21 appeal a judgment, shall be tolled until the later of a date



1 specified by the governor or mayor in the declaration or ninety-
2 six hours after the effective date and time of the declaration,
3 unless the prohibition is continued by a supplementary
4 declaration issued by the governor or mayor. Any proclamation
5 issued under this chapter that fails to state the time at which
6 it will take effect, shall take effect at twelve noon of the day
7 on which it takes effect.

8 (c) No sheriff, deputy sheriff, police officer, or
9 independent civil process server from the department of law
10 enforcement's list under section 353C-11, shall enforce any writ
11 of possession, a writ of assistance, or any other relief action
12 brought pursuant to section 667-33(c) until the later of a date
13 specified by the governor or mayor in the declaration or ninety-
14 six hours after the effective date and time of the declaration,
15 unless the prohibition is continued by a supplementary
16 declaration issued by the governor or mayor. Any proclamation
17 issued under this chapter that fails to state the time at which
18 it will take effect, shall take effect at twelve noon of the day
19 on which it takes effect.

20 For purposes of this section:

21 "Power of sale" has the same meaning as in section 667-1.



1 "Mortgagee" has the same meaning as in section 667-1.

2 "Residential property" has the same meaning as is section
3 667-1.

4 §127A- Mortgage deferment. (a) Whenever the governor
5 declares a state of emergency for the entire State or any
6 portion thereof, or a mayor declares a local state of emergency
7 for the county or any portion thereof, mortgagors of residential
8 property in the area subject to the emergency order may request
9 and receive a three-year mortgage deferment. These mortgagors
10 may also request and receive an additional deferment as
11 authorized under this section.

12 (b) The repayment period for mortgages under the deferment
13 established in this section shall be extended by the same number
14 of months as the deferment period. The terms and conditions of
15 the original mortgage, except for default, delinquency during
16 deferment, and related fees or penalties, shall remain unchanged
17 during the deferment and the extended period.

18 (c) Mortgagees granting a deferment under this section
19 shall provide mortgagors with written confirmation of the
20 approved deferment, information about the deferment process, and
21 instructions for requesting an additional deferment.



1 (d) This section does not affect the property tax and
2 insurance obligations of mortgagors related to any residential
3 property in the State or county.

4 (e) The Hawaii emergency management agency shall, within
5 one month of the effective date of this Act:

6 (1) Notify mortgagors about the deferment program; and

7 (2) Publish information about eligibility and the
8 deferment process on the department's website.

9 (f) For purposes of this section:

10 "Mortgagee" has the same meaning as in section 667-1.

11 "Mortgagor" has the same meaning as in section 667-1.

12 "Residential property" has the same meaning as is section
13 667-1.

14 **§127A- Residential rent suspension.** (a) Whenever the
15 governor declares a state of emergency for the entire State or
16 any portion thereof, or a mayor declares a local state of
17 emergency for the county or any portion thereof, and
18 notwithstanding any other law to the contrary, a landlord shall
19 suspend rent for ninety days upon request from a residential
20 tenant. A tenant may request an additional ninety-day
21 suspension, for a total of one hundred eighty days. Rent



1 suspension shall begin the following month after the request has
2 been made. A landlord shall inform the tenant in writing when
3 rent payments will resume. No proof of economic hardship shall
4 be required for a tenant to request rent suspension. A tenant
5 may make the request for rent suspension in writing or
6 electronically.

7 (b) Tenants with suspended rent shall not be required to
8 pay fees or the balance of the suspended rent at the end of the
9 suspension. Landlords and tenants may agree on a payment plan
10 or use the security deposit towards the balance, unless
11 otherwise specified. The payment period for rent subject to
12 suspension shall be extended by the duration of the suspension.

13 §127A- Small business rent suspension. (a) Whenever
14 the governor declares a state of emergency for the entire State
15 or any portion thereof, or a mayor declares a local state of
16 emergency for the county or any portion thereof, a landlord
17 shall suspend rent for a small business commercial tenant upon
18 request. The suspension shall not exceed one hundred eighty
19 days and shall begin on the first day of the following month
20 after the request has been made. No proof of economic hardship
21 shall be required for a small business commercial tenant to



1 request rent suspension. A small business commercial tenant may
2 make the request in writing or electronically.

3 (b) Small business commercial tenants shall not be
4 required to pay any fees related to the suspension, late
5 payments, or the balance of the suspended rent at the end of the
6 suspension. Landlords and small business commercial tenants may
7 agree on a payment plan or use the security deposit towards the
8 balance, unless otherwise specified. The payment period for
9 rent subject to suspension shall be extended by the duration of
10 the suspension.

11 (c) If a small business commercial tenant's lease expires
12 during a state of emergency or local state of emergency, the
13 lease shall automatically renew at the current rent unless the
14 landlord provides written proof, dated prior to the declared
15 state of emergency, of intent not to renew. If the lease is not
16 renewed, the small business commercial tenant shall be placed on
17 a month-to-month lease, and the landlord shall not initiate
18 summary possession proceedings for ninety days following this
19 time until the emergency declaration is rescinded by the
20 governor or mayor, as applicable. No late fees shall be charged
21 for rent accrued during the covered period.



1 (d) For the purposes of this section, "small business
2 commercial tenant" means a nonprofit corporation, for-profit
3 corporation, limited liability company, partnership, limited
4 partnership, sole proprietorship, or other legal entity that:

5 (1) Is domiciled and authorized to do business in the
6 State;

7 (2) Is independently owned and operated; and

8 (3) Employs fewer than one hundred full-time or part-time
9 employees in the State.

10 "Small business commercial tenant" includes the Hawaii emergency
11 management agency.

12 **§127A- Loan deferment.** (a) Whenever the governor
13 declares a state of emergency for the entire State or any
14 portion thereof, or a mayor declares a local state of emergency
15 for the county or any portion thereof, borrowers may request and
16 shall receive deferment on commercial, student, or other
17 consumer loans, including credit extensions, for one hundred
18 eighty days. No proof of economic hardship shall be required
19 for a borrower to request loan deferment. A borrower may make
20 the request in writing or electronically.



1 (b) The repayment period of loans under the deferment
2 shall be extended by the number of months the deferment is in
3 effect. All original loan terms shall continue, except for
4 default and delinquency during deferment, without modification.
5 The creditor shall not charge any fees or penalties for
6 deferment or early repayment. No interest shall accrue on loans
7 during the deferment period.

8 127A- Consumer reporting agencies. (a) Whenever the
9 governor declares a state of emergency for the entire State or
10 any portion thereof, or a mayor declares a local state of
11 emergency for the county or any portion thereof, no consumer
12 reporting agency shall include any adverse information resulting
13 from the state of emergency or local state of emergency in a
14 credit report for an affected person who notifies the consumer
15 reporting agency as specified in subsection (c).

16 (b) No user of a credit report shall consider any adverse
17 information resulting from the state of emergency or local state
18 of emergency declared by the governor or mayor in a credit
19 report for an affected person who notifies the user as specified
20 in subsection (e).



1 (c) An affected person may contact any consumer reporting
2 agency and request exclusion of any adverse information related
3 to the person obtained by the consumer reporting agency during
4 the period starting with the adoption of the state of emergency
5 or local state of emergency. Exclusion of any adverse
6 information shall last ninety days after the end of that state
7 of emergency or local state of emergency.

8 (d) Any consumer reporting agency that receives a request
9 under subsection (c) shall respond within five days to the
10 affected person.

11 (e) An affected person may contact any user of a credit
12 report and request exclusion of any adverse information related
13 to the person in a credit report for the same period specified
14 in subsection (c).

15 (f) Any user of a credit report receiving a request under
16 subsection (e) shall respond within five days to the affected
17 person.

18 (g) No fee shall be charged by a consumer reporting agency
19 for a request made by a consumer under this section.

20 (h) For purposes of this section:



1 "Consumer reporting agency" has the same meaning as in
2 section 489P-2.

3 "Credit report" has the same meaning as in section 489P-2.

4 §127A- Planned community associations; condominium
5 associations; insurance requirements; limitations. (a)

6 Whenever the governor declares a state of emergency for the
7 entire State or any portion thereof, or a mayor declares a local
8 state of emergency for the county or any portion thereof,
9 planned community association or condominium association shall
10 be permitted to require a member or unit owner to purchase
11 additional insurance beyond what is authorized by applicable
12 federal and state law and the association's governing documents.

13 (b) For purposes of this section:

14 "Condominium association" has the same meaning as
15 association under section 514B-3.

16 "Member" has the same meaning as under 421J-2.

17 "Planned community association" has the same meaning as
18 association under section 421J-2.

19 "Unit owner" has the same meaning as under 514B-3."

20 SECTION 2. New statutory material is underscored.

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



H.B. NO. 2671

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INTRODUCED BY: Joseph K. Miyake

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H.B. NO. 2671

Report Title:

Emergency Management; State of Emergency; Local State of Emergency; Eviction Moratorium; Foreclosure Moratorium; Mortgage Deferment; Residential Rent Suspension; Small Business Rent Suspension; Loan Deferment; Consumer Reporting Agencies; Condominium Associations; Planned Community Associations

Description:

Establishes processes and requirements during a state of emergency or local state of emergency related to eviction moratoriums, foreclosure moratoriums, mortgage deferments, residential rent suspension, small business rent suspension, loan deferment, adverse information reported to consumer reporting agencies, and insurance requirements for planned community associations and condominium associations.

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

