

JAN 24 2019

A BILL FOR AN ACT

RELATING TO LANDLORD-TENANT COURTS.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 LANDLORD-TENANT COURTS

6 § -1 Landlord-tenant courts; establishment. (a) The
7 landlord-tenant courts shall be created as divisions of the
8 circuit courts of the State and shall not be deemed to be other
9 courts as that term is used in the state constitution. A
10 landlord-tenant court shall be held at the courthouse in each
11 circuit, or other duly designated place, by the judge or judges
12 of the respective landlord-tenant courts.

13 (b) The chief justice of the supreme court shall designate
14 a landlord-tenant judge or judges for each circuit, as may be
15 necessary. In any circuit that has more than one judge
16 designated for the landlord-tenant court, the chief justice
17 shall designate one of the judges as senior judge. The chief



1 justice may temporarily assign a landlord-tenant court judge to
2 preside in another circuit when the chief justice determines
3 that the urgency of one or more cases in the circuit court or
4 the volume of the cases in the circuit court so requires.

5 § -2 **Jurisdiction.** (a) The landlord-tenant courts
6 shall have exclusive original jurisdiction over all proceedings,
7 including judicial review of administrative proceedings and
8 proceedings for declaratory judgment arising under chapter 521;
9 provided that upon the motion of a party or sua sponte by the
10 chief justice, the chief justice may assign to the landlord-
11 tenant courts issues before the circuit courts when the chief
12 justice determines that due to their subject matter the
13 assignment is required to ensure the uniform application of
14 landlord-tenant laws throughout the State or to otherwise
15 effectuate the purpose of this chapter.

16 (b) In any case in which it has jurisdiction, the
17 landlord-tenant courts shall exercise general equity powers as
18 authorized by law. Nothing in this chapter shall be construed
19 to limit the jurisdiction and authority of any circuit judge,
20 designated as judge of a landlord-tenant court, to matters
21 within the scope of this chapter.



1 § -3 Appeals. Review of any final judgment of a
2 landlord-tenant court under this chapter shall be governed by
3 chapter 602.

4 § -4 Rules. The supreme court shall adopt rules
5 regarding the administration, operation, and procedures of the
6 landlord-tenant courts."

7 SECTION 2. Section 604-5, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) Except as otherwise provided, the district courts
10 shall have jurisdiction in all civil actions where the debt,
11 amount, damages, or value of the property claimed does not
12 exceed \$40,000, except in civil actions involving summary
13 possession or ejectment, in which case the [~~district court~~]
14 landlord-tenant courts shall have jurisdiction over any
15 counterclaim otherwise properly brought by any defendant in the
16 action if the counterclaim arises out of and refers to the land
17 or premises the possession of which is being sought, regardless
18 of the value of the debt, amount, damages, or property claim
19 contained in the counterclaim. Attorney's commissions or fees,
20 including those stipulated in any note or contract sued on,
21 interest, and costs, shall not be included in computing the



1 jurisdictional amount. Subject to subsections (b) and (c),
 2 jurisdiction under this subsection shall be exclusive when the
 3 amount in controversy, so computed, does not exceed \$10,000.
 4 The district courts shall also have original jurisdiction of
 5 suits for specific performance when the fair market value of
 6 such specific performance does not exceed \$20,000 [~~and original~~
 7 ~~jurisdiction to issue injunctive relief in residential landlord-~~
 8 ~~tenant cases under chapter 521]."~~

9 SECTION 3. This Act does not affect rights and duties that
 10 matured, penalties that were incurred, and proceedings that were
 11 begun before its effective date.

12 SECTION 4. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2019.

15

INTRODUCED BY:

John Kohl
Richard...
Mark
Daniel...
Silvia
Randy de Baker
Paul E. R...
Anna Mercedes K...
Eraine E. Monroe
AC Scott...
Mike Gebba
D.K.
Clemente...
Kurt...



S.B. NO. 1532

Report Title:

Landlord and Tenant Courts; Jurisdiction; Appeals

Description:

Establishes the landlord-tenant courts.

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

