A BILL FOR AN ACT

RELATING TO THE LANDLORD-TENANT CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

SECTION 1. The legislature finds that the State has one of the highest percentages of renter households in the nation, with forty-three per cent of households in the State consisting of renters. The legislature recognizes that the State also has the lowest amount of affordable housing in the nation, resulting in thousands of families in the State, many of whom are already facing eviction, being unable to find alternative housing. The legislature further recognizes that evictions increase homelessness, unemployment, crime, and mental and physical illness. Further, children who experience an eviction often show signs of slower academic progress and other developmental impairments. Additionally, each eviction results in significant financial and social costs to the evicted household and the surrounding community.

The legislature believes that eviction procedures must carefully balance the landlord's need for sufficient enforcement against the tenant's need for sufficient protection. The
legislature further finds that without adequate safeguards, tenants become targets for abuse during these eviction proceedings. Currently, the residential landlord-tenant code makes it difficult for tenants to defend themselves against wrongful evictions. While the code clearly outlines landlords' responsibilities, it fails to provide tenants with suitable methods of recourse and ways to hold landlords accountable in various situations.

The legislature acknowledges that landlords are prohibited from retaliating against tenants who request repairs to their respective homes or complain about health or safety code violations. However, although the residential landlord-tenant code guarantees compensation for other landlord offenses, it also places on the tenant the burden of proving entitlement to compensation for a landlord's retaliation. The result is often that tenants who have been retaliated against are not made whole, allowing landlords to continue these retaliatory practices.

Accordingly, the purpose of this Act is to specify the amount of damages recoverable by a tenant who is subjected to an unlawful retaliatory eviction.
SECTION 2. Section 521-74, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Any tenant from whom possession has been recovered or who has been otherwise involuntarily dispossessed, in violation of this section, is entitled to recover [the] damages [sustained by the tenant] in an amount equal to two months' rent, and the cost of suit, including reasonable attorney's fees."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date; provided that any contract in effect prior to the effective date of this Act that is subsequently renewed or extended on or after the effective date of this Act shall comply with the requirements of this Act.

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

SECTION 5. This Act shall take effect on July 1, 2020.

INTRODUCED BY:
Report Title:
Housing; Residential Landlord-Tenant Code; Retaliatory Evictions; Damages

Description:
Specifies that the amount of damages recoverable by a tenant subjected to an unlawful retaliatory eviction is equal to 2 months' rent.

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