
A BILL FOR AN ACT

RELATING TO HOME HEALTH CARE.

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

1 SECTION 1. Section 127A-30, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending its title and subsections (a) and (b) to
4 read:

5 "~~{~~\$127A-30~~}~~ Rental or sale of essential commodities
6 and home health care services during a state of emergency;
7 prohibition against price increases. (a) ~~[Whenever]~~ During any
8 time that the governor ~~[declares]~~ has declared a state of
9 emergency for the entire State or any portion thereof, or a
10 mayor ~~[declares]~~ has declared a local state of emergency for the
11 county or any portion thereof, or when the State, or any portion
12 thereof, is the subject of a severe weather warning:

13 (1) There shall be prohibited any increase in the selling
14 price of any commodity, whether at the retail or
15 wholesale level, in the area that is the subject of
16 the proclamation or the severe weather warning; ~~[and]~~



1 (2) There shall be prohibited any increase in the fees
2 charged for providing home health care services during
3 a declared state of emergency or local state of
4 emergency concerning a public health pandemic on the
5 sole basis that the patient receiving the services
6 requires that the home health care service provider be
7 vaccinated against the underlying disease causing the
8 emergency; and

9 [~~(2)~~] (3) No landlord shall terminate any tenancy for a
10 residential dwelling unit in the area that is the
11 subject of the proclamation or the severe weather
12 warning, except for a breach of a material term of a
13 rental agreement or lease, or if the unit is unfit for
14 occupancy as defined in this chapter; provided that:

15 (A) Nothing in this chapter shall be construed to
16 extend a fixed-term lease beyond its termination
17 date, except that a periodic tenancy for a
18 residential dwelling unit may be terminated by
19 the landlord upon forty-five days' written
20 notice:



- 1 (i) When the residential dwelling unit is sold
2 to a bona fide purchaser for value; or
3 (ii) When the landlord or an immediate family
4 member of the landlord will occupy the
5 residential dwelling unit; or
6 (B) Under a fixed-term lease or a periodic tenancy,
7 upon forty-five days' written notice, a landlord
8 may require a tenant or tenants to relocate
9 during the actual and continuous period of any
10 repair to render a residential dwelling unit fit
11 for occupancy; provided that:
12 (i) Reoccupancy shall first be offered to the
13 same tenant or tenants upon completion of
14 the repair;
15 (ii) The term of the fixed-term lease or periodic
16 tenancy shall be extended by a period of
17 time equal to the duration of the repair;
18 and
19 (iii) It shall be the responsibility of the tenant
20 or tenants to find other accommodations
21 during the period of repair.



1 (b) Notwithstanding this section, any additional operating
2 expenses incurred by the seller, home health care services
3 provider, or landlord because of the emergency or disaster or
4 the severe weather, and which can be documented, may be passed
5 on to the consumer. In the case of a residential dwelling unit,
6 if rent increases are contained in a written instrument that was
7 signed by the tenant prior to the declaration or severe weather
8 warning, the increases may take place pursuant to the written
9 instrument."

10 2. By amending subsection (f) to read:

11 "(f) As used in this section:

12 "Breach of a material term" means the failure of a party to
13 perform an obligation under the rental agreement or lease, which
14 constitutes the consideration for entering into the contract and
15 includes the failure to make a timely payment of rent.

16 "Commodity" means any good or service necessary for the
17 health, safety, and welfare of the people of Hawaii; provided
18 that this term shall include, but not be limited to: materials;
19 merchandise; supplies; equipment; resources; and other articles
20 of commerce that shall include food; water; ice; chemicals;



1 petroleum products; construction materials; or residential
2 dwellings.

3 "Fixed-term lease" means a lease for real property that
4 specifies its beginning date and its termination date as
5 calendar dates, or contains a formula for determining the
6 beginning and termination dates; and the application of the
7 formula as of the date of the agreement will produce a calendar
8 date for the beginning and termination of the lease.

9 "Home health care services" has the same meaning as defined
10 in section 431:10H-201.

11 "Periodic tenancy" means a tenancy wherein real property is
12 leased for an indefinite time with monthly or other periodic
13 rent reserved. A periodic tenancy may be created by express
14 agreement of the parties, or by implication upon the expiration
15 of a fixed-term lease when neither landlord nor tenant provides
16 the other with written notice of termination and the tenant
17 retains possession of the premises for any period of time after
18 the expiration of the original term.

19 "Unfit for occupancy" means that a residential dwelling
20 unit has been damaged to the extent that the appropriate county
21 agency determines that the unit creates a dangerous or



1 unsanitary situation and is dangerous to the occupants or to the
2 neighborhood."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on July 1, 2050.

6



Report Title:

Home Health Care Services; Emergency Proclamation; State of
Emergency; Fee Increase Prohibited; Vaccination

Description:

Prohibits any increase in the fees charged for providing home health care services during a state of emergency or local state of emergency concerning a public health pandemic on the sole basis that the patient receiving the services requires that the home health care service provider be vaccinated against the underlying disease causing the emergency. Effective 7/1/2050.
(HD1)

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

