
A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1 PART I

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

4 "(c) It is the intent of the legislature to provide for
5 and confer comprehensive powers for the purposes stated herein.
6 This chapter shall be liberally construed to effectuate its
7 purposes; provided that this chapter shall not be construed as
8 conferring any power or permitting any action [~~which~~] that is
9 inconsistent with the Constitution and laws of the United
10 States[~~7~~] or the Hawaii State Constitution, but, in so
11 construing this chapter, due consideration shall be given to the
12 circumstances as they exist from time to time. This chapter
13 shall not be deemed to have been amended by any act hereafter
14 enacted at the same or any other session of the legislature,
15 unless this chapter is amended by express reference."

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



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

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

17 (2) Assign lead and support responsibilities to state
18 agencies and personnel for emergency management
19 functions[7] and other support activities;

20 (3) Adopt standards and requirements for county emergency
21 management plans. The standards and requirements



1 shall ensure that county plans are coordinated and
2 consistent with the state comprehensive emergency
3 management plan;

4 (4) Make recommendations to the legislature, building code
5 organizations, and counties for zoning, building, and
6 other land use controls; and other preparedness,
7 prevention, and mitigation measures designed to
8 eliminate emergencies or reduce their impact;

9 (5) Anticipate trends and promote innovations that will
10 enhance the emergency management system;

11 (6) Institute statewide public awareness programs. This
12 shall include intensive public educational campaigns
13 on emergency preparedness issues, including but not
14 limited to the personal responsibility of individual
15 citizens to be self-sufficient for up to fourteen days
16 following a natural or human-caused disaster;

17 (7) Coordinate federal, state, and local emergency
18 management activities and take all other steps,
19 including the partial or full mobilization of
20 emergency management forces and organizations in
21 advance of an actual emergency, to ensure the



- 1 availability of adequately trained and equipped forces
2 of emergency management personnel before, during, and
3 after emergencies and disasters;
- 4 (8) Implement training programs to improve the ability of
5 state and local emergency management personnel to
6 prepare and implement emergency management plans and
7 programs. This shall include a continuous training
8 program for agencies and individuals that will be
9 called on to perform key roles in state and local
10 post-disaster response and recovery efforts and for
11 local government personnel on federal and state post-
12 disaster response and recovery strategies and
13 procedures;
- 14 (9) Adopt standards and requirements for state agency
15 emergency operating procedures and periodically review
16 emergency operating procedures of state agencies and
17 recommend revisions as needed to ensure consistency
18 with the state comprehensive emergency management plan
19 and program; and
- 20 (10) Coordinate, in advance whenever possible, such
21 executive orders, proclamations, and rules for



1 issuance by the governor as are necessary or
2 appropriate for coping with emergencies and
3 disasters."

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

6 "**§127A-14 State of emergency.** (a) The governor may
7 declare the existence of a state of emergency in the State by
8 proclamation if the governor finds that an emergency or a
9 disaster has occurred or that there is imminent danger or threat
10 of an emergency or a disaster in any portion of the State.

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

16 (c) The governor or mayor shall be the sole judge of the
17 existence of the danger, threat, or circumstances giving rise to
18 a declaration, an extension, or a termination of a state of
19 emergency in the State or a local state of emergency in the
20 county, as applicable. This section shall not limit the power
21 and authority of the governor under section 127A-13(a)(5).



1 (d) Any proclamation issued under this chapter that fails
2 to state a time at which it will take effect shall take effect
3 at twelve noon of the day on which it takes effect. A state of
4 emergency and a local state of emergency shall terminate
5 automatically sixty days after the issuance of a proclamation of
6 a state of emergency or local state of emergency, respectively,
7 [~~or~~] unless extended or terminated by a separate or
8 supplementary proclamation of the governor or mayor [~~, whichever~~
9 ~~occurs first~~]."

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

12 "(a) Whenever the governor declares a state of emergency
13 for the entire State or any portion thereof, or a mayor declares
14 a local state of emergency for the county or any portion
15 thereof, or when the State, or any portion thereof, is the
16 subject of a severe weather warning:

17 (1) There shall be prohibited any increase in the selling
18 price of any commodity, whether at the retail or
19 wholesale level, in the area that is the subject of
20 the proclamation or [~~the~~] severe weather warning;



1 provided that the prohibition may be restricted to
2 particular commodities in the proclamation; and

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

9 (A) Nothing in this chapter shall be construed to
10 extend a fixed-term lease beyond its termination
11 date, except that a periodic tenancy for a
12 residential dwelling unit may be terminated by
13 the landlord upon forty-five days' written
14 notice:

15 (i) When the residential dwelling unit is sold
16 to a bona fide purchaser for value; or

17 (ii) When the landlord or an immediate family
18 member of the landlord will occupy the
19 residential dwelling unit; or

20 (B) Under a fixed-term lease or [a] periodic tenancy,
21 upon forty-five days' written notice, a landlord



1 may require a tenant or tenants to relocate
2 during the actual and continuous period of any
3 repair to render a residential dwelling unit fit
4 for occupancy; provided that:

5 (i) Reoccupancy shall first be offered to the
6 same tenant or tenants upon completion of
7 the repair;

8 (ii) The term of the fixed-term lease or periodic
9 tenancy shall be extended by a period of
10 time equal to the duration of the repair;
11 and

12 (iii) It shall be the responsibility of the tenant
13 or tenants to find other accommodations
14 during the period of repair.

15 (b) Notwithstanding this section, any additional operating
16 expenses incurred by the seller or landlord because of the
17 emergency [~~or~~], disaster, or [~~the~~] severe weather [~~and which~~]
18 warning that can be documented[~~7~~] may be passed on to the
19 consumer. In the case of a residential dwelling unit, if rent
20 increases are contained in a written instrument that was signed
21 by the tenant [~~prior to~~] before the declaration or severe



1 weather warning, the increases may take place pursuant to the
2 written instrument.

3 (c) The prohibitions under subsection (a) shall remain in
4 effect until twenty-four hours after the severe weather warning
5 is canceled by the [~~National Weather Service~~] issuing agency;
6 or in the event of a declaration, [~~the later of a date specified~~
7 ~~by the governor or mayor in the declaration or ninety-six~~]
8 seventy-two hours after the effective date and time of the
9 declaration, unless [~~such~~] the prohibition is identified and
10 continued [by a supplementary declaration issued] and the types
11 of commodities are identified by the governor or mayor[~~-~~] in the
12 proclamation or any supplementary proclamation. Any
13 proclamation issued under this chapter that fails to state the
14 time at which it will take effect, shall take effect at [~~twelve~~]
15 noon [~~of~~] on the day on which it takes effect."

16 PART II

17 SECTION 5. Chapter 127A, Hawaii Revised Statutes, is
18 amended by adding seven new sections to be appropriately
19 designated and to read as follows:

20 "§127A-A Residential tenants; suspension of rent
21 collection. (a) Whenever the governor issues a proclamation



1 declaring a state of emergency for the entire State or any
2 portion thereof, or a mayor issues a proclamation declaring a
3 local state of emergency for the county or any portion thereof,
4 with respect to any residential dwelling unit in the area that
5 is the subject of the proclamation, the governor or mayor may
6 declare that the landlord of the rental unit shall:

- 7 (1) Upon receipt of a written request from a tenant of the
8 unit, suspend the collection of rent for the unit for
9 a three-month period, beginning in the month following
10 the landlord's receipt of the request;
- 11 (2) Upon receipt of a subsequent written request from a
12 tenant of the unit, suspend the collection of rent for
13 the unit for an additional three-month period,
14 beginning at the end of the initial period of
15 suspension;
- 16 (3) Accept the foregoing written requests in hardcopy or
17 electronic format, according to the tenant's
18 preference;
- 19 (4) Not require the tenant to prove economic hardship for
20 the purposes of this section;



1 (5) Not require the tenant to pay any fees, including late
2 fees, for the rent collection suspension; and

3 (6) Send the tenant written notice regarding the date the
4 tenant is obligated to commence paying rent.

5 (b) After the end of the suspension period, the landlord
6 may collect the balance of the rent suspended under this
7 section; provided that the suspended rent shall only be
8 collected as part of a periodic payment plan that is of the same
9 duration as the total suspension period.

10 **§127A-B Residential dwelling units; summary possession**

11 **moratorium.** Whenever the governor issues a proclamation
12 declaring a state of emergency for the entire State or any
13 portion thereof, or a mayor issues a proclamation declaring a
14 local state of emergency for the county or any portion thereof,
15 with respect to any residential dwelling unit in the area that
16 is the subject of the proclamation, the governor or mayor may
17 declare that:

18 (1) No court having jurisdiction for an action for summary
19 possession pursuant to chapter 666 or other form of
20 eviction action shall:



1 (A) Accept for filing any complaint or summons for
2 possession of the unit;

3 (B) Enter a judgment or default judgment for a
4 plaintiff for possession of the unit;

5 (C) Issue a writ of possession for the unit; or

6 (D) Deny, upon the request of a defendant, a stay of
7 execution or continuance of the summary
8 possession action;

9 (2) Any deadline or time period for action by the
10 defendant or any party in a summary possession action,
11 including the date to answer a complaint, or to appeal
12 a judgment, shall be extended; and

13 (3) No sheriff, deputy sheriff, or other law enforcement
14 officer shall enforce or levy upon a writ of
15 possession,

16 until the date specified in the proclamation, or if no date is
17 specified, the expiration of the ninety-sixth hour after the
18 effective date and time of the declaration, unless a
19 supplementary proclamation extends the date.

20 **§127A-C Residential property; foreclosure moratorium.**

21 Whenever the governor issues a proclamation declaring a state of



1 emergency for the entire State or any portion thereof, or a
 2 mayor issues a proclamation declaring a local state of emergency
 3 for the county or any portion thereof, with respect to any
 4 residential property, as defined in section 667-1, that is in
 5 the area that is the subject of the proclamation, the governor
 6 or mayor may declare that:

7 (1) No creditor, mortgagee, or person having estate in the
 8 property if mortgaged, or a person authorized by a
 9 power of sale pursuant to chapter 667, or right of
 10 entry, or the attorney duly authorized by a writing
 11 under seal or the legal guardian or conservator of the
 12 mortgagee or person acting in the name of the
 13 mortgagee or person, shall:

14 (A) Cause publication of notice of a foreclosure sale
 15 pursuant to chapter 667;

16 (B) Exercise a power of sale;

17 (C) Exercise a right of entry; or

18 (D) Initiate any action to possess the property;

19 (2) Any deadline or time period for action by a party in
 20 foreclosure proceedings, including any deadline to



1 respond to a notice or to appeal a judgment, shall be
2 extended; and

3 (3) No sheriff, deputy sheriff, or other law enforcement
4 officer shall enforce or proceed with any foreclosure
5 sale or action,

6 until the date specified in the proclamation, or if no date is
7 specified, the expiration of the ninety-sixth hour after the
8 effective date and time of the declaration, unless a
9 supplementary proclamation extends the date.

10 §127A-D Mortgage payments; deferment. (a) Whenever the
11 governor issues a proclamation declaring a state of emergency
12 for the entire State or any portion thereof, or a mayor issues a
13 proclamation declaring a local state of emergency for the county
14 or any portion thereof, with respect to any mortgaged property,
15 as defined in section 667-1, that is in the area that is the
16 subject of the proclamation, the governor or mayor may declare
17 that the mortgagee of the property shall:

18 (1) Upon receipt of a request from a mortgagor of the
19 property, defer the collection of mortgage payments
20 for up to three years; and



1 (2) Upon receipt of a subsequent request from a mortgagor
2 of the property, defer the collection of mortgage
3 payments for up to _____ years for good cause,
4 as determined by rules adopted pursuant to section
5 127A-25.

6 (b) The repayment period for mortgages under deferment
7 pursuant to this section shall be extended by a period of time
8 equal to the entire period of deferment. The terms and
9 conditions of each original mortgage, except for default,
10 delinquency during deferment, and related fees or penalties,
11 shall remain unchanged during the entire period of deferment.

12 (c) Any mortgagee granting a deferment under this section
13 shall provide the requesting mortgagor written confirmation of
14 the approved deferment, information about the deferment process,
15 and instructions for requesting an extended deferment.

16 (d) This section shall not be construed to amend any
17 mortgagor's property tax or insurance obligations related to the
18 mortgaged property.

19 (e) Within one month of the effective date of Act _____,
20 Session Laws of Hawaii 2024, the Hawaii emergency management
21 agency shall:



1 (1) Notify mortgagors of real property within the State
2 about the deferment program; and

3 (2) Publish on the agency's website information about the
4 deferment program, including eligibility requirements.

5 **§127A-E Small business commercial tenants; suspension of**
6 **rent collection and summary possession.** (a) Whenever the

7 governor issues a proclamation declaring a state of emergency
8 for the entire State or any portion thereof, or a mayor issues a
9 proclamation declaring a local state of emergency for the county
10 or any portion thereof, with respect to any rented commercial
11 property in the area that is the subject of the proclamation,
12 the governor or mayor may declare that the landlord of the
13 commercial property, if the tenant is a small business
14 commercial tenant, shall:

15 (1) Upon receipt of a written request from the tenant,
16 suspend the collection of rent for the property,
17 beginning in the month following the landlord's
18 receipt of the request; provided that the landlord
19 shall not be obligated to suspend the collection for a
20 period longer than six months;



- 1 (2) Accept the foregoing written requests in hardcopy or
2 electronic format, according to the tenant's
3 preference;
- 4 (3) Not require the tenant to prove economic hardship for
5 the purposes of this section;
- 6 (4) Not require the tenant to pay any fees, including late
7 fees, for the rent collection suspension; and
- 8 (5) Send the tenant written notice regarding the date the
9 tenant is obligated to commence paying rent.
- 10 (b) After the end of the suspension period, the landlord
11 may collect the balance of the rent suspended under this
12 section; provided that the suspended rent shall only be
13 collected as part of a periodic payment plan that is of the same
14 duration as the total suspension period; provided that the
15 landlord and the tenant may mutually agree to a shorter or
16 longer duration.
- 17 (c) If a small business commercial tenant's lease expires
18 during the period that the proclamation is in effect, and the
19 tenant wishes to remain on the property, the lease shall
20 automatically renew at the current rate of rent, unless, before
21 the proclamation was issued, the tenant expressed in writing the



1 tenant's intent not to renew the lease, or the tenant agreed in
2 writing to a different rate of rent. If the lease is not
3 renewed, and the tenant wishes to remain on the property, the
4 tenant shall continue to pay the landlord rent at the rate paid
5 before the termination of the lease, but shall vacate the unit
6 on the date specified in the proclamation, or if no date is
7 specified, the expiration of the ninety-sixth hour after the
8 effective date and time of the declaration, unless a
9 supplementary proclamation extends the date. No late fees may
10 be assessed or collected for rent accrued during the post-lease
11 period.

12 (d) A landlord subject to this section shall be prohibited
13 from initiating any action for, pursuing, or obtaining summary
14 possession of the unit pursuant to chapter 666, or other form of
15 eviction, until the ninetieth day after the expiration or
16 rescission of the proclamation.

17 (e) For the purposes of this section, "small business
18 commercial tenant" means any entity that:

19 (1) Is a corporation, nonprofit corporation, limited
20 liability company, partnership, limited partnership,
21 sole proprietorship, or other legal entity;



1 (2) Is owned and operated independently of any other
2 corporation, nonprofit corporation, limited liability
3 company, partnership, limited partnership, sole
4 proprietorship, or other legal entity;

5 (3) Operates primarily within the State; and

6 (4) Is a lawful tenant of a lease into which the tenant
7 and the respective landlord entered before the
8 issuance of the proclamation described in
9 subsection (a).

10 **§127A-F Loan deferment.** (a) Whenever the governor issues
11 a proclamation declaring a state of emergency for the entire
12 State or any portion thereof, or a mayor issues a proclamation
13 declaring a local state of emergency for the county or any
14 portion thereof, with respect to any student loan, commercial
15 loan, or consumer loan (including any credit extension) of any
16 borrower who resides in the area that is the subject of the
17 proclamation, the governor or mayor may declare that the lender
18 or holder of the loan shall:

19 (1) Upon receipt of a written request from the borrower,
20 defer the collection of loan payments; provided that



1 the lender or holder shall not be obligated to suspend
2 the collection for a period longer than six months;

3 (2) Accept the foregoing written request in hardcopy or
4 electronic format, according to the borrower's
5 preference; and

6 (3) Not require the borrower to prove economic hardship
7 for the purposes of this section.

8 (b) The repayment period for loans under deferment
9 pursuant to this section shall be extended by a period of time
10 equal to the entire period of deferment. The terms and
11 conditions of each original loan, except for default,
12 delinquency during deferment, and related fees or penalties,
13 shall remain unchanged during the entire period of deferment.
14 During any period of loan deferment under this section, no
15 interest shall accrue on the respective loan.

16 **§127A-G Credit reporting agencies.** (a) Whenever the
17 governor issues a proclamation declaring a state of emergency
18 for the entire State or any portion thereof, or a mayor issues a
19 proclamation declaring a local state of emergency for the county
20 or any portion thereof, the governor or mayor may declare that



1 any person who resides in the area that is the subject of the
2 proclamation may contact any:

3 (1) Consumer reporting agency and request exclusion of any
4 adverse information obtained by the agency; and
5 (2) User of a consumer report for the person and request
6 exclusion of consideration of any adverse information
7 within the consumer report,
8 regarding the person's actions from the effective date of the
9 proclamation through the ninetieth day after the effective date
10 of the proclamation.

11 (b) Any consumer reporting agency or user of a consumer
12 report that receives a request from a person pursuant to
13 subsection (a) shall:

14 (1) Respond to the requestor within the time period
15 prescribed by title 15 United States Code section
16 1681i; and
17 (2) Honor the person's request, or in the alternative,
18 should federal law bar the consumer reporting agency
19 or user of a consumer report from honoring the
20 request, provide a written explanation identifying the
21 basis for the refusal.



1 (c) No consumer reporting agency that receives a request
2 from a person pursuant to subsection (a) shall assess a fee from
3 the person for the request."

4 PART III

5 SECTION 6. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 7. In codifying the new sections added by
9 section 5 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 8. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 9. This Act shall take effect on July 1, 3000.



Report Title:

Emergency Management Powers; State of Emergency; Price Control;
Tenants; Mortgagors; Consumers; Relief

Description:

Clarifies that the Governor's and mayors' emergency management powers shall be consistent with the state constitution. Clarifies the scope of the comprehensive emergency management plan. Clarifies the powers of the Governor and mayors to extend or terminate a state of emergency. Shortens the duration of price control periods from ninety-six hours to seventy-two hours. Amends emergency management law to protect tenants, mortgagors, consumers, and residents for certain periods of time after the issuance of a gubernatorial or mayoral emergency proclamation. Effective 7/1/3000. (SD1)

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

