

RESOLUTION NO. 575 20**A RESOLUTION URGING THE HONORABLE GOVERNOR DAVID Y. IGE TO SUSPEND RESIDENTIAL EVICTIONS DURING THE COVID-19 STATE OF EMERGENCY.**

WHEREAS, in response to the COVID-19 pandemic the Governor issued the Third Supplementary Proclamation on March 23, 2020, requiring that “all persons within the State of Hawai‘i are ordered to stay at home or in their place of residence” beginning March 25, 2020, and further stating that “(a)ll persons may leave their home or place of residence only for essential activities or to engage in the essential businesses and operations identified herein”; and

WHEREAS, measures to mitigate the spread of COVID-19 have caused many Hawai‘i Island residents to lose the income they need to remain in their home or place of residence; and

WHEREAS, the Governor’s action plan on affordable housing and homelessness states that “we must recognize that many families across the state are only a few missed paychecks away from homelessness”; and

WHEREAS, the Governor said in his State of the State address on January 21, 2020, that “(i)n Hawai‘i, the biggest expense for working families by far is housing, whether it’s rent or mortgage payments”; and

WHEREAS, Hawai‘i Revised Statutes (HRS) Section 127-13(a)(2) grants the Governor during a state of emergency the power to “(r)elieve hardships and inequities, or obstructions to the public health, safety, or welfare, found by the governor to exist in the laws and to result from the operation of federal programs or measures taken under this chapter, by suspending the laws, in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the governor may impose...”; and

WHEREAS, HRS Section 127A-30(a)(2) states that during a state of emergency “(n)o landlord shall terminate any tenancy for a residential unit in the area that is the subject of the proclamation or the severe weather warning, except for a breach of a material term of a rental agreement or lease...”; and

WHEREAS, such a breach includes the failure to pay rent pursuant to HRS Section 521-68(a), which states that “(a) landlord or the landlord’s agent may, any time after rent is due, demand **payment** thereof and notify the tenant in writing that unless payment is made within a time mentioned in the notice, not less than five business days after receipt thereof, the rental agreement will be terminated”; and

WHEREAS, HRS Chapter 666 allows landlords to recover possession of a property after termination of a tenancy; and

WHEREAS, the unique conditions of a global pandemic deprive unknown thousands of Hawai'i Island residents of their ability to remain in their homes or residences while at the same time requiring them to remain in their homes or residences; and

WHEREAS, the Governor's emergency proclamation issued on March 5, 2020, and amended by supplementary proclamations related to COVID-19, should be further supplemented by proclamations intended to keep residents in their homes or places of residence for the duration of the state of emergency, despite their temporary inability to pay rent; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAII that it hereby urges the Honorable Governor David Y. Ige to relieve hardships and inequities by suspending residential evictions, especially for nonpayment of rent, during the COVID-19 state of emergency, and during the recovery period that follows.

BE IT FURTHER RESOLVED that the County Clerk shall transmit a copy of this resolution to the Honorable Governor David Y. Ige; the Honorable Lieutenant Governor Josh Green; the Hawai'i Adjutant General, Maj. Gen. Kenneth S. Hara; Department of Human Services Director Pankaj Bhanot; Attorney General Claire E. Connors; Office of Hawaiian Affairs Chief Executive Officer Sylvia M. Hussey; and members of the Kaua'i County Council, Maui County Council, and the Honolulu City Council.

Dated at Hilo, Hawai'i, this 8th day of April, 2020.

INTRODUCED BY:



 COUNCIL MEMBER, COUNTY OF HAWAII

COUNTY COUNCIL
 County of Hawai'i
 Hilo, Hawai'i

ROLL CALL VOTE

	AYES	NOES	ABS	EX
CHUNG	X			
DAVID	X			
EOFF	X			
KANEALI'I-KLEINFELDER	X			
KIERKIEWICZ	X			
LEE LOY	X			
POINDEXTER	X			
RICHARDS	X			
VILLEGAS	X			
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I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on April 8, 2020.

ATTEST:

 COUNTY CLERK
 CHAIRPERSON & PRESIDING OFFICER

Reference: C-863/Waived GREDC
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