



Legal Aid Society of Hawai'i

How To Stop Your Landlord From Shutting Off Your Utilities Illegally

This self-help packet will teach you how to file a *Temporary Restraining Order* (“TRO”) *Against An Illegal Utility Shut-off*.

If your utilities have been shut off and you want the court to award you money damages, you need to see the Legal Aid self-help packet called “How To File a *Complaint for Damages If Your Utilities Have Been Shut-off Illegally*.”

Use this packet if:

- you rent from a private landlord and/or receive Section 8 assistance, AND
- your landlord has threatened to shut off your utilities OR has already shut off your utilities, AND
- your landlord does not have a court order to evict you.

IMPORTANT NOTES:

If you are being evicted too, talk to a Legal Aid advocate before filling out this packet.

If you have received a court order called a “Writ of Possession,” a TRO will not help you. You are already evicted. However, if you still have your belongings in your unit, talk to a Legal Aid advocate for information on what you can do.

If you are in Public Housing or special housing (e.g., UH housing, day-to-day hotel, or homeless shelter), this packet will not apply to your situation. See a Legal Aid advocate for assistance.

In addition to this packet, you will also need to complete the following forms: Ex Parte Application for Relief from Costs and Return of Service. These forms can be picked up from the District Court in your area.

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A Utility Shut-off Is Illegal.

It is illegal for your landlord to threaten to or to actually shut off your utilities unless your landlord has gotten a court order to evict you. This court order is called a “*Writ of Possession.*”

If your landlord has shut off your utilities without a court order, you can do two things:

- (1) ask the court to order your landlord to turn your utilities back on, AND/OR
- (2) ask the court to order your landlord to pay you money (“damages”) to compensate you for your utility shut-off.

THESE ARE TWO SEPARATE ACTIONS that you can file with the court. If you want to ask the court to stop or prevent the illegal shut-off, you need to file an action in court called a Temporary Restraining Order/ Injunction Against Locket (called a “TRO”). This packet contains the forms you will need to file in order to start this court action.

If your landlord has already illegally shut off your utilities, and you want to receive an award of money damages, you need to file an action in court called a Complaint for Damages. The forms you need for this court action are available in another brochure from Legal Aid called “How to Get Money Damages If Your Landlord Shuts Off Your Utilities Illegally.”

STEP 1: The Form Letter

Fill out and address the form letter contained in this packet to your landlord. Make a copy of the letter for your records and mail the original to your landlord.

STEP 2: Fill out the court forms in this packet.

This packet includes five forms:

1. *Ex Parte Application for Relief from Costs*
2. *Ex Parte Petition for TRO/Injunction*
3. *TRO Against Utility Shut-off*
4. *Statement of Petitioner*
5. *Notice of Hearing*
6. *Return of Service*

Fill out the court forms by either typing or printing very neatly in black ink.

Be sure that you sign and date all the documents where needed. If you miss any sections, the court may reject your forms and you will have to do them over again.

WHAT YOU NEED TO DO (Six Easy Steps)

1. Fill out and send the form letter in this packet to your landlord.
2. If the letter does not stop landlord’s actions, fill out all the court forms in this packet.
3. Make 3 copies of the forms and staple as shown on page 4.
4. File your papers at the District Court. Pay the \$15 filing fee if you did not get it waived. Make sure you get at least one date-stamped copy for both yourself and your landlord.
5. Properly deliver (“serve”) a date-stamped copy of the court papers (see page 4) to your landlord.
6. Go to the court hearing. The court clerk will write the date and time of your hearing on the *Notice of Hearing* form.

TIPS FOR FILLING OUT THE FORMS

USE BLACK INK. All the forms have similar “captions” or boxes that are at the top of the page. On most of the forms, the captions are numbered. Follow these instructions when you fill out the forms.

Box 1:

Fill in your *circuit* and your *division* name.

Oahu courts are First Circuit;

Maui courts are Second Circuit;

Big Island courts are Third Circuit; and

Kauai courts are Fifth Circuit.

See the text box on the right to figure out which *division* your housing unit is located in. If you are unsure of your *division*, call your local District Court and ask one of the clerks.

Box 2: (Plaintiff)

In this action, you are the Plaintiff. Enter your full name here.

Box 3: (Defendant)

In this action, your landlord is the Defendant. Enter the full name of your landlord.

Box 4: (Filing Parties)

In this box, the court wants information on who is filing this form. Enter your name, address, and phone number. This information is for the court to use if they need to contact you so insert an address and phone number where they can contact you. If you do not have access to your mail or your phone at home, leave an alternate address and phone number (i.e. work, friend, or relative) where the court can leave a message.

Box 5: Filling out the rest of the form.

Read each section carefully. Fill in the blanks where it asks for information from you. If a section has a checkbox, make sure you read the section well to see if the statement applies to your situation. If the statement is correct, put a checkmark in the box.

CAUTION: Your landlord can use whatever information you include on these court forms against you in an eviction court proceeding. For example, if you say that your landlord shut off your utilities because you are behind in your rent, your landlord can use this against you in later eviction hearings. Think carefully about what you write, especially on the *Statement of Petitioner* form. Use this form to describe any other problems you have experienced as a result of the utility shut off. If you need to attach another page, write on the bottom of the form “See Additional Page.” Sign and date the additional page.

District Court Divisions

Oahu:

Honolulu

Ewa

Wahiawa

Koolaupoko - Koolauloa

Waialua

Waianae

Maui:

Wailuku - Makawao - Hana

Lahaina

Hana

Molokai

Lanai

Big Island:

Hilo

Kona

S. Kohala

N. Kohala

Hamakua

Puna

Kau

Kauai:

Lihue

SIGNATURE BOXES:

Sign after making copies of your form so that each signature is the original. Print or type your full name and sign in the box at the bottom of the forms, except in those boxes that indicate someone else’s signature. For example, on the *Return of Service* form, there are signature boxes for both your landlord and the person who serves your landlord with a copy of the court forms, so you would not sign this form.

STEP 3: Separate the Forms

Look at the top left hand corner of each court form. You should see the court form's name above the caption boxes. Separate the *Return of Service* form from the rest of your court forms. On the *Return of Service* form, list the names of the other four documents you have completed in the box marked "DOCUMENTS SERVED."

STEP 4: Make copies

Make 3 copies of each form, except for the *Return of Service* form. The court does not require you to make copies of the *Return of Service* form, but you can make a copy if you want to keep one for your files.

Be sure that your copies are identical to the original forms. If the original is double-sided, your copy should be double-sided too. If you don't know how to make double-sided copies, ask the clerk at the copy center where you are making your copies.

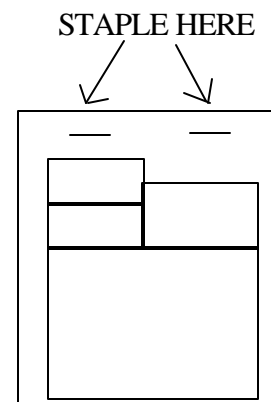
STEP 5: Staple the forms properly.

Put the forms in 4 separate piles in the following order:

1. *Ex Parte Petition for TRO / Injunction*
2. *TRO Against Utility Shut Off*
3. *Statement of Petitioner*
4. *Notice of Hearing*

Keep all the originals together in the same packet. Remember to keep your *Return of Service* form separate from the packets. You will not have to turn it in to the court.

Staple each set like shown in the picture on the right.



STEP 6: File Your Forms In Court

Take the 4 packets (1 original and 3 copies) to the District Court on your island.

On Oahu, you must file all your forms at the Honolulu District Court.

On the other islands, see the back page for the district court addresses.

The District Court is open for filing on Mondays to Fridays between 7:45am to 4:00pm (they are not open on holidays). If possible, try to do this early in the day so that the judge will be more likely to sign your papers.

When you go in to file your forms, a court clerk will date-stamp every set of forms. There is a \$15 filing fee so you will have to pay this fee OR fill out a fee waiver application (*Ex Parte Application for Relief from Costs*). This form is included in this packet.

Once you have either paid the \$15.00 filing fee or filled out your waiver form, you can turn in your packets. You will need to wait for the judge to approve your TRO. This could take a few hours so you may have to come back later in the day or even the next day to pick up the approved packets.

After the judge approves your forms, the court will keep the original packet and return the copies to you.

If the clerk says there is a problem with your papers, ask the clerk to explain what you did wrong. Then, you can correct the problem right then and there. If your TRO is not approved, see the next page for helpful suggestions on what you can do next.

IF THE JUDGE DOESN'T GIVE YOU THE TRO...

- **File Again.** Correct any mistakes you think you made. Call Legal Aid if you have problems.
- **Try Some Self-Help Ideas:**
 - (1) **Talk** to your landlord and try to work out any misunderstandings. If your landlord realizes that an illegal utility shut-off means he/she might be ordered to pay you a fine for this act, he/she might be ready to work something out with you. Suggest mediation as a way to work through your problems. *See the back page for mediation centers on your island.*
 - (2) **Keep** a copy of your rental receipts, checks, and/or the lease/rental agreement to show the police if they try to keep you out of your unit. Inform them that the landlord has no court order to evict you (i.e. the landlord does not have a *Writ of Possession* court order from the judge).
- **Find Another Place to Live.**

STEP 7: Take Copies To The Police Station

Take at least two (2) packets of the forms **and your *Return of Service* form** to the police station closest to the unit where your utilities were turned off. Give these forms to the officer on duty and ask for his/her help to get your utilities turned back on. **POLITELY** ask the officer if the police department would serve the documents on your landlord. Tell them an address where they can most likely find your landlord.

The police will need to provide your landlord or your landlord's attorney with:

- (1) one of the packets of forms, AND
- (2) the *Return of Service* form.

The *Return of Service* form must be signed by:

- the police officer who delivers the forms AND
- the landlord or landlord's attorney.

The police officer who delivers the forms will need to fill out the rest of the *Return of Service* form, and then take it back to the court.

STEP 8: Landlord Turns Your Utilities Back On

After your TRO is delivered to your landlord, your landlord should have your utilities turned back on. If not, call the police and tell the police officer that you need their help enforcing your order. Show them your TRO. They should assist you because you have a court order to have your utilities turned back on.

STEP 9: Go To Your Hearing

At this point, your landlord should have turned your utilities back on. This purpose of this hearing is to prove to the judge that you need your TRO to last a longer period of time.

If your landlord has turned your utilities back on and there doesn't seem to be any more problems with your utilities being turned off again, then this hearing may not be all that important. You should go to the hearing, but explain to the judge that your utilities were turned back on.

However, **if you are still having problems with your landlord and you think that you need a longer TRO against utility shut-off,** you need to prepare well for this hearing. At your hearing, you will be required to prove that your landlord has intentionally turned off your utilities. Bring any witnesses or evidence that will help you convince the court that you have a valid rental agreement with your landlord, and that you were denied access to your utility service.

STEP 10: After The Hearing

IF YOU LOST:

Your TRO ends and you lose. The Judge can order you to pay for all the court fees and your landlord's attorney fees.

Even if you lost at this hearing, however, your landlord cannot legally evict you without a *Writ of Possession* order signed by a judge. Also, if your landlord turns off your utilities again, you can file for a TRO again. Call Legal Aid for information on the eviction process.

IF YOU WON:

If you won, check with the District Court clerk to find out if you need to file any additional forms. You can also call Legal Aid for more information on what your options are after the hearing.

Legal Terms

fee waiver by requesting a fee waiver, you are asking the court to allow you to file your forms without paying the filing fees.

filing turning in your forms to the court clerk. Usually, the clerk will date-stamp all the copies, then take one or two copies for the court records and return the rest to you.

serve to have one set of the filed forms delivered to the opposing side in a case. In your TRO case, you would have a police officer "serve" your landlord/landlord's attorney.

TRO Temporary Restraining Order; this is an order issued by a judge that orders someone to stop doing something to you. In your TRO case, a TRO against utility shut-off orders your landlord turn your utilities back on.

Writ of Possession this is an order issued by a judge that gives back possession of your unit to your landlord. Once the "Writ" is issued to you, you must leave your unit or can be arrested for trespassing.

Important Names and Numbers

Legal Aid Society of Hawai'i

<http://www.legalaidhawaii.org>

LEGAL HOTLINE

open Monday to Friday: 9:00 - 11:30PM
& 1:00 -3:30PM

Oahu call 536-4302 Hilo call 934-0678
Maui call 242-0724 Kona call 329-8331
Molokai call 553-3251 Kauai call 245-7580
Lanai call 565-6089

Mediation Services

Oahu: Neighborhood Justice Center
200 N. Vineyard Blvd, Suite 320
Honolulu
521-6767

Maui: Mediation Services of Maui, Inc.
95 Mahalani Street
Wailuku
244-5744

Molokai: Mediation Center of Molokai
Meyer Bldg #9
Kaunakakai
553-3844

Hilo: Waiakea Settlement YMCA
Kuikahi Mediation Center
300 W Lanikaula Street
935-7844

Kona: West HI Mediation Services
P.O. Box 7020
Kamuela
885-5525

Kauai: Kauai Economic Opportunity
Mediation Program
2804 Wehe Road
Lihue
245-4077

Police Stations

See your phone book for the station that is closest to you.

District Court Street Addresses

OAHU (FIRST CIRCUIT):

File all forms at Honolulu District Court:
1111 Alakea Street
3rd Floor
538-5151

MAUI (SECOND CIRCUIT):

Haopili Hale
2145 Main Street
Suite 137
Wailuku
244-2800

Molokai
55 Makaena Street
Kaunakakai
553-5451

Lanai
312 Eighth Street
Lanai City
565-6447

BIG ISLAND (THIRD CIRCUIT):

Hilo: 75 Aupuni Street
Hilo
961-7470

Kona: Old Kona Hospital
Keakealani Bldg., Rm. 240
Kealakekua
322-2022

Hamakua: South Kohala Courthouse
Waimea Civic Center
67-5175 Kamamalu Street
Kamuela
885-4615

KAUAI (Fifth Circuit):

3059 Umi Street, Rm 111
Lihue
246-3330



This brochure was created through the AmeriCorps Access to Justice Project.

Court Forms for a TRO Against Utility Shut-off

This packet should contain the following forms. If you are missing any, please contact the Legal Aid Society of Hawaii so that one can be mailed to you immediately. *See phone numbers at the back of instruction part of this brochure.*

1. Ex Parte Application for Relief from Costs
2. Ex Parte Petition for TRO and Injunction Against Utility Shut-off
3. TRO Against Utility Shut-off
4. Statement of Petitioner
5. Notice of Hearing
6. Return of Service

**EX PARTE PETITION FOR TEMPORARY RESTRAINING ORDER
AGAINST UNLAWFUL UTILITY CUT-OFF OR DIMINISHMENT**

<p>1. IN THE DISTRICT COURT OF _____ CIRCUIT _____ DIVISION STATE OF HAWAII</p>	<p>Oahu = First Circuit Maui = Second Circuit Big Island = Third Circuit Kauai = Fifth Circuit</p>
<p>2. Petitioner(s) (TENANT's) Name</p>	<p>Reserved for Court Use</p>
<p>3. Respondent(s) (LANDLORD's) Name</p>	<p>Civil No.</p> <p>4. Petitioner(s) / Petitioner(s)' Attorney (Name, Attorney Number, Address, Telephone and Facsimile Numbers)</p> <p>PETITIONER PRO SE (NO ATTORNEY)</p>

The Petitioner(s), hereafter known as TENANT, pursuant to Rule 8(a) of the District Court Rules of Civil Procedure and Hawaii Revised Statutes Section 521-74.5, and based on the attached *Statement of Petitioner*, requests an ex parte temporary restraining order and injunction issue against Respondent(s), hereafter known as LANDLORD, landlord's name to order LANDLORD to restore utility service that has been unlawfully diminishing or cut-off. TENANT alleges that:

1. TENANT is leasing a residential dwelling unit from LANDLORD located at address of unit (the "dwelling"), in the County of _____, State of Hawaii.
2. TENANT has not abandoned or surrendered the dwelling.
3. LANDLORD has threatened, has recovered, or taken possession of TENANT's dwelling by the willful interruption or diminishment of running water, hot water, or electric, gas or other essential service to TENANT's in violation of the rental agreement and Hawaii Revised Statutes (H.R.S.) §521-74.5.

SEE REVERSE SIDE

In accordance with the **Americans with Disabilities Act** if you require an accomodation or assistance, please contact the District Court- Administration Office in your Circuit at least ten (10) working days in advance of your hearing or appointment date. **OAHU:** 538-5121; TTY: 539-4853 **BIG ISLAND:** Hilo: 961-7470 Kona: 322-2022 Hamakua: 885-4615 **MAUI:** 244-2800 **KAUAI:** 246-3330

4. TENANT, therefore, requests:

(a) That an *Ex Parte Temporary Restraining Order Against Unlawful Utility Shut Off* be granted to require LANDLORD to immediately restore full utility and other essential services to the dwelling leased to TENANT; and (b) That the *Ex Parte Temporary Restraining Order Against Unlawful Utility Shut Off* remain in effect until the hearing on this Complaint, enjoining the LANDLORD and any other person acting on LANDLORD's behalf from threatening to, or acting to, cut off utility service, interrupt utility service, or interfere with the TENANT's quiet enjoyment of the dwelling, without a court order that authorizes a contrary action;

(c) That an order issue requiring LANDLORD to show cause at the date, time and place indicated in the Notice of Hearing (attached herein) why LANDLORD and/or his/her/their agent(s) should not be enjoined from any and all of those acts set forth in paragraph 4.b. above; and

(d) Such other and further relief as this Court deems just and proper.

DATE	NAME AND SIGNATURE OF PLAINTIFF
------	---------------------------------

**TEMPORARY RESTRAINING ORDER AGAINST UNLAWFUL
UTILITY CUT-OFF OR DIMINISHMENT**

1. IN THE DISTRICT COURT OF _____ CIRCUIT
_____ DIVISION
STATE OF HAWAII

Oahu = First Circuit
Maui = Second Circuit
Big Island = Third Circuit
Kauai = Fifth Circuit

2. Plaintiff (s) (TENANT's) Name

Reserved for Court Use

Civil No.

3. Defendant (s) (LANDLORD's) Name

4. Plaintiff(s)/Plaintiff(s)' Attorney (Name, Attorney
Number, Address, Telephone and Facsimile Numbers)

PLAINTIFF PRO SE (NO ATTORNEY)

5. Based upon the attached *Ex Parte Petition for Temporary Restraining Order and Injunction Against Respondent(s) for Unlawful Utility Services Cut-Off or Diminishment and Statement of Petitioner(s)*, the Court finds there is probable cause to believe:

TENANT(s) utility services or other essential services have been cut-off or diminished in violation of Section 521-74.5 of the Hawaii Revised Statutes; or

LANDLORD(s) has threatened to cut-off or diminish utility or other essential services to TENANT.

IT IS ORDERED, pending the hearing on the Order to Show Cause, that the LANDLORD and any person acting in his/her/their behalf shall be enjoined and restrained from removing or excluding TENANT from his/her/their dwelling unit by the cut-off or diminishment of utility or other essential services to the unit.

SEE REVERSE SIDE

In accordance with the **Americans with Disabilities Act** if you require an accomodation or assistance, please contact the District Court- Administration Office in your Circuit at least ten (10) working days in advance of your hearing or appointment date. **OAHU:** 538-5121; TTY: 539-4853 **BIG ISLAND:** Hilo: 961-7470 Kona: 322-2022 Hamakua: 885-4615 **MAUI:** 244-2800 **KAUAI:** 246-3330

IT IS ALSO ORDERED that LANDLORD immediately restore full utility or other essential services to dwelling unit.

At the hearing on the Order To Show Cause, LANDLORD will be allowed to give any reason why these orders should not continue to be effective.

This order becomes effective upon its signing and filing and shall remain in effect until the next hearing on this petition.

ANY WILFUL VIOLATION OF THIS TEMPORARY RESTRAINING ORDER AGAINST DEFENDANT(S) FOR UNLAWFUL CUT-OFF OR DIMINISHMENT OF UTILITY SERVICES OR OTHER ESSENTIAL SERVICES SHALL BE PUNISHABLE AS CRIMINAL CONTEMPT UNDER SECTION 710-1077 OF THE HAWAII REVISED STATUTES.

DATE

JUDGE OF THE ABOVE-ENTITLED COURT

STATEMENT OF PETITIONER(S)

1. IN THE DISTRICT COURT OF _____ CIRCUIT
_____ DIVISION
STATE OF HAWAII

Oahu = First Circuit
Maui = Second Circuit
Big Island = Third Circuit
Kauai = Fifth Circuit

2. Petitioner(s)' (TENANT's) Name

Reserved for Court Use

Civil No.

3. Respondent(s)' (LANDLORD's) Name

4. Petitioner(s)/Petitioner(s)' Attorney (Name, Attorney Number, Address, Telephone and Facsimile Numbers)

PLAINTIFF PRO SE (NO ATTORNEY)

5. I, the TENANT, state that the following is/are true:

- 1. I am the Petitioner in the current action.
- 2. I live at enter address.
- 3. I moved in on date.
- 4. I have a valid rental agreement.
- 5. Without any proper order of this Court, Respondent(s) or Respondent(s)' agents, servants, or employees interefered with my utilities in that the following utilities were shut off or dimished:

- gas water electricity
- heat telephone elevator
- refrigeration other
- other interference with my rental unit in that _____

SEE REVERSE SIDE

In accordance with the **Americans with Disabilities Act** if you require an accomodation or assistance, please contact the District Court- Administration Office in your Circuit at least ten (10) working days in advance of your hearing or appointment date. **OAHU:** 538-5121; TTY: 539-4853 **BIG ISLAND:** Hilo: 961-7470 Kona: 322-2022 Hamakua: 885-4615 **MAUI:** 244-2800 **KAUAI:** 246-3330

6. I suffered from this because:

- I had no hot water, preventing me from bathing, washing dishes, washing clothes, or cleaning the house.
- The following appliances would not work:
 - stove and oven,
 - refrigerator,
 - washing machine,
 - dryer,
 - telephone,
 - lights,
 - television,
 - radio,
 - other: _____.
- I was prevented from ready access to my apartment because I could not use the elevator.
- Without my phone, I could not call anyone, even in an emergency.
- With the threat to cut off my utilities, I suffered great emotional distress.
- I suffered further as follows _____
_____.

7. Further, I wish to tell the court:

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAI'I THAT THE ABOVE IS TRUE AND CORRECT.

DATE

NAME AND SIGNATURE OF PETITIONER

NOTICE OF HEARING

IN THE DISTRICT COURT OF THE _____ CIRCUIT _____ name of city or division _____ DIVISION STATE OF HAWAII	Oahu = First Circuit Maui = Second Circuit Big Island = Third Circuit Kauai = Fifth Circuit Reserved for Court Use
Petitioner(s) Name and Address Tenant's Name	CIVIL No. LEAVE BLANK
Respondent(s) Name and Address Landlord's Name	Petitioner's (TENANT'S) Attorney (Name, Attorney Number, Address, Telephone and Facsimile Numbers) PETITIONER PRO SE (NO ATTORNEY)

TO: name of landlord's attorney and address
 OR if no attorney, name of landlord and address

NOTICE IS HEREBY GIVEN that the Ex Parte **check the box(es) that applies to your situation**

Petition for Temporary Restraining Order and Injunction Against Lockout
 Petition for Temporary Restraining Order and Injunction Against Utility Shut Off

shall come on for hearing before the Presiding Judge of the above-entitled Court, in his/her courtroom, at the time and date above or as soon thereafter as the parties can be heard.

YOU ARE COMMANDED to appear before the presiding Judge of the court named above, the District Court of the above Circuit, at:

LOCATION:	
LEAVE BLANK=>	
ON _____, 19____	AT _____ O' CLOCK _____

to show cause why the Temporary Restraining Order and Injunction Against Lockout and/or Utility Shut-off **(CHECK ONE)** should not be extended in the form of an Injunction Against Lockout and/or Utility Shut-off for a term not to exceed three years.

YOUR FAILURE TO APPEAR AT THE DATE, TIME AND PLACE INDICATED ABOVE MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

This order shall not be personally delivered between 10:00p.m. and 6:00a.m. on premises not open to the public, unless a judge of the Court named above permits, in writing on this Order, personal delivery during those hours.

In accordance with the **Americans with Disabilities Act** if you require an accomodation or assistance, please contact the District Court- Administration Office in your Circuit at least ten (10) working days in advance of your hearing or appointment date. **OAHU:** 538-5121; TTY: 539-4853 **BIG ISLAND:** Hilo: 961-7470 Kona: 322-2022 Hamakua: 885-4615 **MAUI:** 244-2800 **KAUAI:** 246-3330

DATE LEAVE BLANK	SIGNATURE OF COURT CLERK LEAVE BLANK
----------------------------	--

YOUR NAME

YOUR ADDRESS

LANDLORD'S NAME

LANDLORD'S ADDRESS

DATE

Dear LANDLORD'S NAME,

This letter is to advise you of my rights as a tenant under Hawai'i's Landlord-Tenant Code, as well as your duties under that Code.

The Landlord-Tenant Code says that it is against the law for a landlord to force a tenant out of his/her dwelling by lessening or shutting off running water, hot water, electricity, gas, or other essential service unless the dwelling is abandoned or surrendered (HRS Sect. 521-74.5). If a landlord **does** interrupt an essential service like those described above, the landlord has engaged in an unfair method of competition OR unfair and deceptive acts or practices. A landlord may face penalties AND a minimum of three times the monthly rent or \$1,000, whichever is the greater amount.

The Code also says that it is against the law for a landlord to remove or lockout a tenant from his/her dwelling overnight without cause or without a court order that authorizes the action (HRS Sedc 521-63). If a landlord **does** lockout a tenant without cause or a court order, the landlord may face penalties AND an amount equal to two months rent or free occupancy for two months, AND the cost of the suit, including reasonable attorney fees.

In addition to the above law, Section 521-42 of the Landlord-Tenant Code states that the landlord shall at all times comply with all applicable building and housing laws materially affecting health and safety.

I have not received a writ of possession and have neither abandoned nor surrendered my unit.

I request that you immediately EXPLAIN WHAT YOU WANT THE LANDLORD TO DO (EXAMPLES: TURN ON THE ELECTRICITY, GAS, WATER, UNLOCK MY DOORS, ETC.)

Sincerely,

SIGN AND PRINT YOUR NAME