



LEGAL AID
SOCIETY OF HAWAI'I



TENANT RIGHTS: HOW TO STOP YOUR LANDLORD FROM LOCKING YOU OUT ILLEGALLY

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

Use this packet if:

- you rent from a private landlord and/or receive Section 8 assistance; AND
- your landlord has threatened to lock you out or has already locked you out of your unit; AND
- your landlord does not have a court order keeping you out of the property.

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

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This brochure was created
through the AmeriCorps
Project Lauima at the
Legal Aid Society of Hawai'i



IMPORTANT NOTES:

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.

A LOCKOUT IS ILLEGAL.

It is illegal for your landlord to threaten to or to actually lock you out of your unit overnight unless your landlord has a court order to evict you. This court order is called a “*Writ of Possession.*”

If your landlord has locked you out overnight without a court order, you can do two things:
(1) ask the court to order your landlord to let you back into your unit, AND/OR
(2) ask the court to order your landlord to pay you money (“damages”) to compensate you for your lockout.

THESE ARE TWO SEPARATE ACTIONS that you can file with the court.

This packet contains the forms that you need in order to ask the court to order your landlord to let you back into the unit. The court action that you will file is called a Temporary Restraining Order/ Injunction Against Lockout (called a “TRO”). If you want to ask the court to order your landlord to pay you money damages because your landlord has already locked you out overnight, you need to file an action in court called a *Complaint for Damages*. See Legal Aid’s brochure called “How To File a *Complaint for Damages* If You Have Been Locked Out Illegally.”

WHAT YOU WILL NEED TO DO: SIX EASY STEPS

1. Fill out and send the form letter in this packet to your landlord.
2. If 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 datestamped 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.

STEP ONE: 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 or hand the original to your landlord.

STEP TWO: FILL OUT THE COURT FORMS IN THIS PACKET

This packet includes four forms:

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

You will also need the following forms that can be found at the Hawaii State Judiciary website: http://www.courts.state.hi.us/self-help/landlord/forms/tenant_forms.html

5. *Ex Parte Application for Relief from Costs*
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.

TIP 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.

District Court Divisions

Oahu:

Honolulu
Koolaupoko – Koolauloa
Waialua
Waianae
Wahiawa
Ewa

Maui:

Wailuku – Makawao
Hana
Lahaina
Lanai
Molokai

Big Island:

Hilo
Kona
S. Kohala
N. Kohala
Hamakua
Kau
Puna

Kauai:

Lihue

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.

SIGNATURE BOXES:

Sign after making copies of your forms so 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.

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 locked you out 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 lockout. If you need to attach another page, write on the bottom of the form "See Additional Page." Sign and date the additional page

STEP THREE: 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 FOUR: 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.

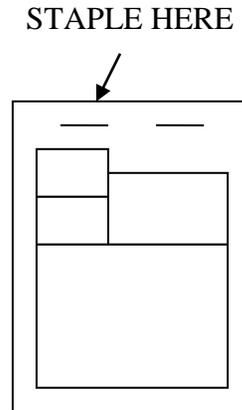
STEP FIVE: STAPLE THE FORMS PROPERLY

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

1. *Ex Parte Petition for TRO / Injunction Against Lockout*
2. *TRO Against Lockout*
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 SIX: 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).

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 not included in this packet, but you can get it from the Hawaii State Judiciary Website. (http://www.courts.state.hi.us/self-help/landlord/forms/tenant_forms.html).

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 is wrong. Then, you can correct the problem 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 lockout means he/she might be ordered to pay you double rent 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).

(3) **Change the locks.** This is risky because it could escalate the disagreement you have with your landlord. But, if you cannot get to essential, needed items such as medication, this may be your last resort.

- **Find Another Place to Live.**

STEP SEVEN: TAKE COPIES TO THE POLICE STATION

If the judge grants you the TRO, take at least two (2) packets of the forms **and your *Return of Service form*** to the police station closest to the unit that you were you were locked out of. Give these forms to the officer on duty and ask for his/her help to get back into your unit. **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.

If the police will not serve the TRO, you must have a friend serve or hire a process server. You cannot serve the TRO yourself.

The Return of Service form must be filed with the court.

STEP EIGHT: LANDLORD LETS YOU BACK INTO YOUR UNIT

After your TRO is delivered to your landlord, your landlord should let you back into your unit. If not, call the police and tell the police officer that you need their help getting back into your unit. Show them your TRO. They should assist you because you have a court order to get back into your unit.

STEP NINE: GO TO YOUR HEARING

At this point, your landlord should have let you back in your unit. 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 let you back in and there doesn't seem to be any more problems with being locked out, then this hearing may not be all that important. You should go to the hearing, but explain to the judge that you got back in your unit and you are not being locked out anymore.

However, **if you are still having problems with your landlord and you think that you need a longer TRO against being locked out,** you need to prepare well for this hearing. At your hearing, you will be required to prove that your landlord has intentionally locked you out overnight. 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 unit overnight.

STEP TEN: AFTER THE HEARING

IF YOU LOST:

Your TRO ends and 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 locks you out 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.

IMPORTANT NAMES AND NUMBERS

Legal Aid Society of Hawai`i

LEGAL HOTLINE

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

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

Mediation Services

Oahu: Mediation Center of the Pacific
205 N. Kukui Street, Suite #206
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
101 Aupuni Street, Suite 1014 B2
935-7844
Kona: West HI Mediation Services
750240 Nani-Kailua Drive
Kailua-Kona
366-2666
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
553-1100
Hana
661-0970
Lahaina
661-0970
Kaunakakai
553-5451
Lanai
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

COURT FORMS FOR A TRO AGAINST LOCKOUT

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 Petition for TRO and Injunction Against Lockout
2. TRO Against Lockout
3. Statement of Petitioner
4. Notice of Hearing

You will also need the following forms that can be found at the Hawaii State Judiciary website: http://www.courts.state.hi.us/self-help/landlord/forms/tenant_forms.html

1. Ex Parte Application for Relief From Costs
2. Return of Service

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, have a friend serve, or hire a process server. You cannot serve the documents.

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 lockout orders your landlord to stop locking you out of your unit.

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.

REMEMBER: This pamphlet is meant to give you general information and not to give you specific legal advice about your case. The law often changes. Each case is different. For more information or assistance call Legal Aid at 1-800-449-4302 or access additional information at <http://www.legalaidhawaii.org>.

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, which- ever 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 Sedic 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

**EX PARTE PETITION FOR TEMPORARY RESTRAINING
ORDER AND INJUNCTION AGAINST LOCKOUT**

IN THE DISTRICT COURT OF THE _____CIRCUIT
 name of city or division
 1 . _____ 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 (TENANT’S) Attorney (Name, Attorney
 Number, Address, Telephone and Facsimile Numbers)

PETITIONER PRO SE (NO ATTORNEY)

5 .
 The TENANT (Plaintiff) asks that the court grant an ex parte temporary restraining order and injunction issue against LANDLORD (Respondent(s)) _____ *landlord(s)’ name* _____ to stop LANDLORD from unlawfully removing, excluding, or locking out TENANT from unit (s), pursuant to Rule 8(a) of the District Court Rules of Civil Procedure and Hawaii Revised Statutes Section 521-63(c), and based on the Statement attached hereto and incorporated herein by reference. TENANT alleges that:

1. TENANT is renting a residential dwelling from LANDLORD located at _____
enter address _____,
 in the County of _____, State of Hawaii.
2. TENANT has not abandoned or otherwise surrendered the dwelling.
3. TENANT alleges that on _____ *date* _____, LANDLORD or LANDLORD’s agent threatened or acted to remove, lock out, or exclude TENANT from the dwelling overnight without cause or without a court order so authorizing in violation of Hawaii Revised Statutes Section 521-63(c).

SEE REVERSE SIDE

In accordance with the **Americans with Disabilities Act** if you require an accommodation 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 order be issued to immediately require LANDLORD to allow TENANT possession of the dwelling ;
- b. That an Ex Parte temporary restraining order be issued to restrain LANDLORD and any other person(s) acting in LANDLORD's behalf from threatening or actually removing, locking out, excluding , or otherwise interfering with TENANT's quiet enjoyment of the dwelling unless a court order or cause so authorizes removal; and
- c. Such other and further relief as this Court deems just and proper.

DATE

NAME AND SIGNATURE OF TENANT (PLAINTIFF)

IT IS ALSO ORDERED that LANDLORD(s) immediately restore possession of the subject dwelling to TENANT(s).

At the hearing on the Order To Show Cause, LANDLORD(s) will be allowed to give any reason why these orders should not continue to be effective and damages should not be awarded as stated in TENANT's *Statement of Petitioner* and/or *Complaint for Damages*.

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

ANY WILLFUL VIOLATION OF THIS TEMPORARY RESTRAINING ORDER AGAINST LOCKOUT SHALL BE PUNISHABLE AS CRIMINAL CONTEMPT UNDER SECTION 710-1077 OF THE HAWAII REVISED STATUTES.

DATE

Judge _____ OF THE ABOVE TITLED COURT

STATEMENT OF PETITIONER(S)

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

1 . Petitioner(s) (TENANT’S) Name

Reserved for Court Use

Civil No.

2 . Respondent(s) (LANDLORD’S) Name

3 . Petitioner’s (TENANT’S) Attorney (Name, Attorney
Number, Address, Telephone and Facsimile Numbers)

PETITIONER PRO SE (NO ATTORNEY)

I, TENANT, am the Petitioner, and state that the following are true:

1. I live at _____ *full address* _____
_____.

3. I moved in on _____ *date* _____.

4. I have a rental agreement.

5. Without any proper order of this Court, LANDLORD or LANDLORD’s agents, servants, or employees
locked me out of my rental unit in that:

- the locks were changed
- the door was secured
- the windows or doors were removed making the unit unsafe or uninhabitable
- other interference with my access to my rental unit in that _____
_____.

SEE REVERSE SIDE

In accordance with the **Americans with Disabilities Act** if you require an accommodation 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: *(Check all that apply.)*

- I had no access to my personal items, healthcare products, clothes, and food and lost the use of my appliances, utilities, and other goods and property.
- I had no place to stay and had to stay outside/in the street or with family/friends.
- I was forced to pay for a hotel/motel.
- I had to take time off from my job and lost work and pay.
- I had no access to my pet(s)' food or my pet(s).
- I had to pay for meals.
- Other: _____

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 TENANT:

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

Petitioner(s) Name and Address

Reserved for Court Use

TENANT'S NAME

CIVIL No. LEAVE BLANK

Respondent(s) Name and Address

Petitioner's (TENANT'S) Attorney (Name, Attorney Number, Address, Telephone and Facsimile Numbers)

LANDLORD'S NAME

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.

IF YOU OR YOUR ATTORNEY FAIL TO ATTEND AT THE TIME AND PLACE DESIGNATED, AN ORDER GRANTING PETITION FOR INJUNCTION AGAINST ILLEGAL LOCKOUT AGAINST YOU FOR THE RELIEF DEMANDED IN THE PETITION.

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

Dear _____,

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, which- ever is the greater amount.

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

I request that you immediately _____

Sincerely,

**EX PARTE PETITION FOR TEMPORARY RESTRAINING
ORDER AND INJUNCTION AGAINST LOCKOUT**

IN THE DISTRICT COURT OF THE _____ CIRCUIT 1 . _____ DIVISION STATE OF HAWAII	
2 . Petitioner(s) (TENANT'S) Name	Reserved for Court Use
3 . Respondent(s) (LANDLORD'S) Name	4 . Petitioner's (TENANT'S) Attorney (Name, Attorney Number, Address, Telephone and Facsimile Numbers)
	PETITIONER PRO SE (NO ATTORNEY)

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1. TENANT is renting a residential dwelling from LANDLORD located at

_____,
 in the County of _____, State of Hawaii.

2. TENANT has not abandoned or otherwise surrendered the dwelling.

3. TENANT alleges that on _____, LANDLORD or LANDLORD's agent threatened or acted to remove, lock out, or exclude TENANT from the dwelling overnight without cause or without a court order so authorizing in violation of Hawaii Revised Statutes Section 521-63(c).

SEE REVERSE SIDE

In accordance with the **Americans with Disabilities Act** if you require an accommodation 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 order be issued to immediately require LANDLORD to allow TENANT possession of the dwelling ;
- b. That an Ex Parte temporary restraining order be issued to restrain LANDLORD and any other person(s) acting in LANDLORD's behalf from threatening or actually removing, locking out, excluding , or otherwise interfering with TENANT's quiet enjoyment of the dwelling unless a court order or cause so authorizes removal; and
- c. Such other and further relief as this Court deems just and proper.

DATE

NAME AND SIGNATURE OF TENANT (PLAINTIFF)

TEMPORARY RESTRAINING ORDER AGAINST LOCKOUT

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

2 . Petitioner(s) (TENANT’S) Name

Reserved for Court Use

Civil No.

3 . Respondent(s) (LANDLORD’S) Name

4 . Petitioner’s (TENANT’S) Attorney (Name, Attorney Number, Address, Telephone and Facsimile Numbers)

PETITIONER PRO SE (NO ATTORNEY)

Based upon the attached Ex Parte Petition for Temporary Restraining Order and Injunction against Lockout and Statement of the Petitioner(s), and pursuant to H.R.S. 521-63(c), the Court finds that there is probable cause that:

TENANT(s) was/were unlawfully removed or excluded from his/her/their dwelling overnight by LANDLORD(s) and/or his/her/their/its agent(s) in violation of section 521-63(a) of the Hawaii Revised Statutes; or

LANDLORD(s) and/or his/her/their/its agent(s) has/have threatened to remove or excluded TENANT(s) from his/her/their dwelling unit overnight making it probable that acts of removal or exclusion by LANDLORD(s) from TENANT(s)’ dwelling unit are imminent.

IT IS HEREBY ORDERED that the LANDLORD(s) and any person acting in his/her/their behalf shall be enjoined and restrained from removing or excluding, or threatening to remove or exclude, TENANT(s) from his/her/their dwelling without cause or without court order;

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(s) immediately restore possession of the subject dwelling to TENANT(s).

At the hearing on the Order To Show Cause, LANDLORD(s) will be allowed to give any reason why these orders should not continue to be effective and damages should not be awarded as stated in TENANT's *Statement of Petitioner* and/or *Complaint for Damages*.

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

ANY WILLFUL VIOLATION OF THIS TEMPORARY RESTRAINING ORDER AGAINST LOCKOUT SHALL BE PUNISHABLE AS CRIMINAL CONTEMPT UNDER SECTION 710-1077 OF THE HAWAII REVISED STATUTES.

DATE

Judge _____ OF THE ABOVE TITLED COURT

STATEMENT OF PETITIONER(S)

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

1 . Petitioner(s) (TENANT'S) Name

Civil No.

2 . Respondent(s) (LANDLORD'S) Name

3 . Petitioner's (TENANT'S) Attorney (Name, Attorney Number, Address, Telephone and Facsimile Numbers)

PETITIONER PRO SE (NO ATTORNEY)

I, TENANT, am the Petitioner, and state that the following are true:

1. I live at

_____.

3. I moved in on _____.

4. I have a rental agreement.

5. Without any proper order of this Court, LANDLORD or LANDLORD's agents, servants, or employees locked me out of my rental unit in that:

the locks were changed

the door was secured

the windows or doors were removed making the unit unsafe or uninhabitable

other interference with my access to my rental unit in that _____

_____.

SEE REVERSE SIDE

In accordance with the **Americans with Disabilities Act** if you require an accommodation 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 access to my personal items, healthcare products, clothes, and food and lost the use of my appliances, utilities, and other goods and property.

I had no place to stay and had to stay outside/in the street or with family/friends.

I was forced to pay for a hotel/motel.

I had to take time off from my job and lost work and pay.

I had no access to my pet(s)' food or my pet(s).

I had to pay for meals.

Other: _____

7. Further, I wish to tell the court:

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

DATE

NAME AND SIGNATURE OF TENANT:

NOTICE OF HEARING

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

Petitioner(s) Name and Address

Reserved for Court Use

CIVIL No.

Respondent(s) Name and Address

Petitioner's (TENANT'S) Attorney (Name, Attorney Number, Address, Telephone and Facsimile Numbers)

PETITIONER PRO SE (NO ATTORNEY)

TO: _____

NOTICE IS HEREBY GIVEN that the Ex Parte

- 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:
ON _____, 19____ AT _____ O' CLOCK _____

to show cause why the Temporary Restraining Order and Injunction Against Lockout and/or Utility Shut-off 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.

IF YOU OR YOUR ATTORNEY FAIL TO ATTEND AT THE TIME AND PLACE DESIGNATED, AN ORDER GRANTING PETITION FOR INJUNCTION AGAINST ILLEGAL LOCKOUT AGAINST YOU FOR THE RELIEF DEMANDED IN THE PETITION.

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	SIGNATURE OF COURT CLERK
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