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# A BILL FOR AN ACT

RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE.

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

1 SECTION 1. Section 521-52, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§521-52 Tenant to use properly.** (a) The tenant shall  
4 comply with all obligations or restrictions, whether denominated  
5 by the landlord as rules, or otherwise, concerning the tenant's  
6 use, occupancy, and maintenance of the tenant's dwelling unit,  
7 appurtenances thereto, and the premises of which the dwelling  
8 unit is a part, if:

9 (1) Such obligations or restrictions are brought to the  
10 attention of the tenant at the time of the tenant's  
11 entry into the rental agreement; or

12 (2) Such obligations or restrictions, if not so known by  
13 the tenant at the time of the tenant's entry into the  
14 rental agreement, are brought to the attention of the  
15 tenant and, if they work a substantial modification of  
16 the tenant's bargain under the rental agreement, are  
17 consented to in writing by the tenant.



1 (b) No such obligation or restriction shall be enforceable  
2 against the tenant unless:

3 (1) It is for the purpose of promoting the convenience,  
4 safety, or welfare of the tenants of the property,  
5 [~~or~~] for the preservation of the landlord's property  
6 from abusive use, or for the fair distribution of  
7 services and facilities held out for the tenants  
8 generally;

9 (2) It is reasonably related to the purpose for which it  
10 is established;

11 (3) It applies to all tenants of the property in a fair  
12 manner; and

13 (4) It is sufficiently explicit in its prohibition,  
14 direction, or limitation of the tenant's conduct to  
15 fairly inform the tenant of what the tenant must or  
16 must not do to comply.

17 (c) In a rental agreement for a single family residence, a  
18 landlord shall not prohibit a tenant from erecting, maintaining,  
19 or displaying an otherwise legal sign or outdoor advertising  
20 device that urges voters to vote for or against any person or  
21 issue; provided that reasonable restrictions are permissible for



1 purposes of complying with applicable building and housing laws  
2 affecting health and safety.

3 (d) If the dwelling unit is an apartment in a condominium  
4 property regime, the tenant shall comply with the bylaws of the  
5 association of apartment owners, and if the dwelling unit is an  
6 apartment in a cooperative housing corporation, the tenant shall  
7 comply with the bylaws of the corporation.

8 (e) A tenant, household member, guest, visitor, or other  
9 person under the tenant's control shall not unlawfully possess  
10 any dangerous, harmful, or detrimental drug while in the  
11 tenant's dwelling unit or on the premises of which the dwelling  
12 unit is a part.

13 A person is under the tenant's control when that person  
14 enters or remains in the tenant's dwelling unit or on the  
15 premises with the tenant's permission or consent when the tenant  
16 knows or reasonably should know that the person unlawfully  
17 possesses or is likely to unlawfully possess a dangerous,  
18 harmful, or detrimental drug.

19 For the purposes of this subsection:

20 "Dangerous drug", "harmful drug", and "detrimental drug"  
21 have the same meanings as defined in section 712-1240."



1 SECTION 2. Section 521-72, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§521-72 Landlord's remedies for improper use.** (a) If  
4 the tenant breaches any rule authorized under section 521-52,  
5 the landlord may notify the tenant in writing of the tenant's  
6 breach. The notice shall specify the time, not less than ten  
7 days, within which the tenant is required to remedy the breach  
8 and shall be in substantially the following form:

9

10 "(Name and address of tenant) (date)

11 You are hereby notified that you have failed to perform  
12 according to the following rule:

13

14 (specify rule allegedly breached)

15

16 Be informed that if you (continue violating) (again  
17 violate) this rule after (a date not less than ten days after  
18 this notice), the landlord may terminate the rental agreement  
19 and sue for possession of your dwelling unit."

20

21 No allowance of time to remedy the breach of any rule authorized  
22 under section 521-52 shall be required when the breach by the



1 tenant causes or threatens to cause damage to any person or  
2 constitutes a violation of section 521-51(1) or (6) [–] or  
3 section 521-52(e).

4 (b) If the breach complained of continues or recurs after  
5 the date specified in the notice, the landlord may bring a  
6 summary proceeding for possession within thirty days after such  
7 continued or recurring breach.

8 (c) If the breach complained of is a violation of section  
9 521-52(e), the landlord may immediately bring a summary  
10 proceeding for possession. The landlord may rely upon any  
11 written notice or report issued by a county, state, or federal  
12 law enforcement officer or agency regarding possession of a  
13 dangerous, harmful, or detrimental drug on the landlord's  
14 property, and the notice or report shall be admissible as  
15 evidence in a summary proceeding subject to the requirements of  
16 chapter 626. Notwithstanding the reference to section 712-1240  
17 in section 521-52(e), the standard of proof applicable to the  
18 summary proceeding shall remain at a preponderance of the  
19 evidence, the standard applicable to civil actions."

20 SECTION 3. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



**1** SECTION 4. This Act shall take effect on January 1, 2096.



HB 105

HD1

**Report Title:**

Landlord Tenant Code; Illegal Drug Possession Prohibited

**Description:**

Prohibits tenants or guests from unlawfully possessing dangerous, harmful, or detrimental drugs in a dwelling unit or on surrounding premises. Authorizes a summary eviction proceeding for violation of the prohibition, wherein the landlord may rely upon notices or reports issued by law enforcement. (HB105 HD1)

