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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 521-51, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§521-51 Tenant to maintain dwelling unit.** (a) Each  
4 tenant shall at all times during the tenancy:

5 (1) Comply with all applicable building and housing laws  
6 materially affecting health and safety;

7 (2) Keep that part of the premises which the tenant  
8 occupies and uses as clean and safe as the conditions  
9 of the premises permit;

10 (3) Dispose from the tenant's dwelling unit all rubbish,  
11 garbage, and other organic or flammable waste in a  
12 clean and safe manner;

13 (4) Keep all plumbing fixtures in the dwelling unit or  
14 used by the tenant as clean as their condition  
15 permits;

16 (5) Properly use and operate all electrical and plumbing  
17 fixtures and appliances in the dwelling unit or used  
18 by the tenant;



1 (6) Not permit any person on the premises with the  
2 tenant's permission to wilfully destroy, deface,  
3 damage, impair, or remove any part of the premises  
4 which include the dwelling unit or the facilities,  
5 equipment, or appurtenances thereto, nor oneself do  
6 any such thing;

7 (7) Keep the dwelling unit and all facilities, appliances,  
8 furniture, and furnishings supplied therein by the  
9 landlord in fit condition, reasonable wear and tear  
10 excepted; and

11 (8) Comply with all obligations, restrictions, rules, and  
12 the like which are in accordance with section 521-52 and which  
13 the landlord can demonstrate are reasonably necessary for the  
14 preservation of the property and protection of the persons of  
15 the landlord, other tenants, or any other person.

16 (b) A tenant, household member, guest, visitor, or other  
17 person under the tenant's control shall not promote any  
18 dangerous, harmful, or detrimental drug while in the tenant's  
19 dwelling unit or on the premises of which the dwelling unit is a  
20 part.

21 A person is under the tenant's control when that person  
22 enters or remains in the tenant's dwelling unit or on the

1 premises with the tenant's permission or consent when the tenant  
2 knows or reasonably should know that the person promotes or is  
3 likely to promote a dangerous, harmful, or detrimental drug.

4 For the purposes of this subsection:

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

7 SECTION 2. Section 521-69, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 **"§521-69 Landlord's remedies for tenant's waste, failure**  
10 **to maintain, or unlawful use.** (a) If the tenant is in material  
11 noncompliance with section 521-51, the landlord, upon learning  
12 of any such noncompliance and after notifying the tenant in  
13 writing of the noncompliance and allowing a specified time not  
14 less than ten days after receipt of the notice, for the tenant  
15 to remedy the noncompliance:

16 (1) May terminate the rental agreement and bring a summary  
17 proceeding for possession of the dwelling unit or any  
18 other proper proceeding, action, or suit for  
19 possession if the tenant is in material noncompliance  
20 with section [~~521-51(1);~~] 521-51(a)(1) or (b); or

21 (2) May remedy the tenant's failure to comply and bill the  
22 tenant for the actual and reasonable cost of such

1 remedy if the noncompliance can be remedied by the  
2 landlord by cleaning, repairing, replacing a damaged  
3 item, or the like, which bill shall be treated by all  
4 parties as rent due and payable on the next regular  
5 rent collection date or, if the tenancy has  
6 terminated, immediately upon receipt by the tenant.

7 (b) No allowance of time to remedy noncompliance shall be  
8 required [~~when noncompliance~~] when:

9 (1) The tenant or a person under the tenant's control has  
10 been charged with or convicted of an offense related  
11 to drugs and intoxicating compounds under part IV of  
12 chapter 712; or

13 (2) Noncompliance by the tenant causes or threatens to  
14 cause irremediable damage to any person or property.

15 If the tenant cannot be served with notice as required, notice  
16 may be given the tenant by posting the same in a conspicuous  
17 place on the dwelling unit.

18 [~~(b)~~] (c) The landlord may terminate the rental agreement  
19 and bring a summary proceeding for possession of the dwelling  
20 unit or any other proper proceeding, action, or suit for  
21 possession for any material noncompliance with section 521-51 by



1 a roomer or boarder if the roomer or boarder fails to comply  
2 within the time specified in the notice.

3 [~~e~~] (d) The landlord may bring an action or proceeding  
4 for waste or for breach of contract for damage suffered by the  
5 tenant's wilful or negligent failure to comply with the tenant's  
6 obligations under section 521-51."

7 SECTION 3. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2050.

**Report Title:**

Landlord Tenant Code; Promotion of Illegal Drugs Prohibited

**Description:**

Prohibits tenants or guests from promoting dangerous, harmful, or detrimental drugs in a dwelling unit or on surrounding premises. Authorizes a summary proceeding for possession where a tenant, family member, or guest is charged with or convicted of a drug offense. (SD1)

