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GOVERNOR

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LT. GOVERNOR

STATE OF HAWAII  
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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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DEPUTY DIRECTOR

PRESENTATION OF THE  
OFFICE OF CONSUMER PROTECTION

TO THE COMMITTEES ON CONSUMER PROTECTION & COMMERCE  
AND JUDICIARY

THE TWENTY-SEVENTH  
REGULAR SESSION OF 2014

FEBRUARY 19, 2014  
2:15 PM

TESTIMONY SUPPORTING THE INTENT OF H. B. 1503, RELATING TO THE  
RESIDENTIAL LANDLORD-TENANT CODE.

TO THE HONORABLE ANGUS L. K. McKELVEY & KARL RHOADS, CHAIRS,  
AND TO THE HONORABLE DEREK S. K. KAWAKAMI & SHARON E. HAR, VICE  
CHAIRS,  
AND MEMBERS OF THE COMMITTEES:

The Department of Commerce and Consumer Affairs, Office of Consumer  
Protection ("OCP") appreciates the opportunity to appear today and offer testimony  
supporting the intent of H. B. 1503, Relating to the Residential Landlord-Tenant Code.  
My name is Bruce B. Kim and I am the Executive Director of OCP.

H. B. 1503 would void provisions in rental agreements that allow for the eviction  
of a tenant for the use of medical marijuana, but allows for eviction if the medical  
marijuana is consumed by smoking and the rental agreement prohibits smoking.

OCP administers the Residential Landlord-Tenant Center, and has received numerous inquiries from landlords and tenants regarding this matter. Clarification on this issue, as the Legislature has seen fit to legalize the use of marijuana for medical purposes, would assist us in responding to these inquiries.

Thank you for allowing me to testify today. If members of the committees have any questions, I would be happy to answer them.

February 19, 2014

**The Honorable Angus L.K. McKelvey, Chair**  
House Committee on Consumer Protection & Commerce

**The Honorable Karl Rhoads, Chair**  
House Committee on Judiciary  
State Capitol, Room 325  
Honolulu, Hawaii 96813

**RE: H.B. 1503, Relating to the Residential Landlord-Tenant Code**

**HEARING: Wednesday, February 19, 2014 at 2:15 p.m.**

Aloha Chair McKelvey, Chair Rhoads, and Members of the Committees:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,300 members. HAR **offers comments** on H.B. 1503, which voids any contract provision that allows for eviction of a tenant for using medical marijuana in any form, unless the contract allows for eviction for smoking tobacco and the medical marijuana is used by means of smoking.

HAR notes that if the dwelling unit is in a condominium property regime (CPR) or planned community association (PCA), the tenant must comply with the bylaws of the association. As such, in situations where a rental agreement is in conflict with the association bylaws, the CPR or PCA bylaws will take precedence.

**Should the Committee be inclined to pass this measure, HAR respectfully request an effective date of November 1, 2014, to ensure that our Rental Agreement and addendum is in compliance with this new law.**

Mahalo for the opportunity to offer comments.



*Dedicated to safe, responsible, and effective drug policies since 1993*

TO: HOUSE COMMITTEES OF CONSUMER PROTECTION & COMMERCE AND JUDICIARY

FROM: PAMELA LICHTY, M.P.H., PRESIDENT

DATE: FEBRUARY 19, 2014, ROOM 325

RE: H.B. 1503 RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE – **IN SUPPORT**

Good afternoon, Chair McKelvey, Chair Rhoads, and members of the Committees. My name is Pam Lichty and I'm President of the Drug Policy Action Group (DPAG), the government affairs arm of the Drug Policy Forum of Hawaii.

First I'd like to thank Representative Rhoads for introducing this bill and the Committees for scheduling it today.

We want to first note that this measure does not introduce any new rights for anyone, certainly not for Hawaii's close to 13,000 registered medical cannabis patients. Rather it makes a common sense adjustment to the Landlord-Tenant code that addresses the fact that smoking any substance can affect neighbors in Hawaii's sometimes-dense residential communities.

This bill simply clarifies that, if tobacco is banned in a residential setting than smoking cannabis is too, but that - absent a ban on tobacco smoking - medical cannabis smoking cannot be banned per se. We appreciate that if this measure passes, patients will not have to choose between their medicine and having a place to live.

This bill would also have the unintended effect of encouraging patients (in smoke-free buildings anyway) to use a non-smoked means of ingesting their medication. The other methods include vaporizing, using edibles, juicing the leaves, using various tinctures, oils and ointments, and more methods are being developed all the time. Any of these other means of delivery is safer than medical cannabis (although it's clear from research

that smoking cannabis is safer than smoking tobacco, smoking anything has negative health effects – it's simply a matter of the degree of harm.) In any case, increasingly medical marijuana patients prefer and choose to use these alternative means of ingestion

I can't help but note in closing, that if Hawaii had carefully regulated medical cannabis dispensaries, as 19 of 21 medical marijuana jurisdictions have, patients would have far easier access to these alternative products. With a January QMark Research survey showing a whopping 85% of voters supporting a dispensary system here, we hope that such a system will be in place in Hawaii nei **very** soon.

Thank you for listening and for giving us the opportunity to testify.

To: The Hawaii State Legislature  
From: Dorothy Kulik, Kauai.  
Re: HB1503  
Date: February 15, 2014

It is a shame that honest citizens with health problems must suffer being treated like criminals by landlords because of their choice of prescribed medication. Why don't landlords evict tenants and slander them with bad references because they have prescriptions for codeine and other opiates? Hawaii landlords refrain from such discrimination because they could be sued under the American's with Disabilities Act. However, they are free to abuse and slander medical marijuana patients because the Americans with Disabilities Act is a federal law and the federal government serves Big Pharma and not the people. People die daily from opiates and many other drugs prescribed by physicians, but not one single patient has died from their cannabis prescription.

Stop landlord ignorance, abuse and slander of medical marijuana patients with HB1503. I have a right to decide what I want to do with my body. *Roe v. Wade*. My choice of medication is my private business. *Griswold v. Connecticut*. No landlord has a right to slander and abuse me because of my medical choices.

Thank you.

## kawakami3-Benigno

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 15, 2014 11:36 AM  
**To:** CPCtestimony  
**Cc:** Albertthomas1953@gmail.com  
**Subject:** Submitted testimony for HB1503 on Feb 19, 2014 14:15PM

### **HB1503**

Submitted on: 2/15/2014

Testimony for CPC/JUD on Feb 19, 2014 14:15PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Albert Thomas	Individual	Comments Only	No

Comments: HB1503 makes explicit a policy that is already in keeping with the state's fair housing laws. It will help keep medical cannabis patients from being accidentally discriminated against because of the ambiguity in the current law. More specifically: This bill does not confer upon renters any rights that they do not already have under the state's fair housing laws. Fair housing law identifies as a discriminatory practice: "To refuse to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a housing accommodation." Therefore, this bill serves only to clarify this point for both landlords and tenants, and to avoid confusion that may result in people being made, unfairly, to choose between using their medicine and having a place to live. This bill does not limit a landlord's ability to protect his/her property from smoke damage, because it provides that if a provision disallows smoking tobacco, smoked use of medical cannabis is not protected. This bill helps everyone. It helps renters to know that they are protected in their legal use of medical marijuana for debilitation conditions. It helps landlords to avoid a situation wherein they unknowingly engage in discriminatory housing practices. Many rental contracts have clauses banning the use of illegal drugs, and landlords sometimes use these provisions to evict, or threaten to evict their tenants on the basis of their legal use of marijuana. It will save time and money because renters will not have to seek redress for individual cases from the Civil Rights Commission.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**kawakami3-Benigno**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 16, 2014 9:33 AM  
**To:** CPCtestimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for HB1503 on Feb 19, 2014 14:15PM\*

**HB1503**

Submitted on: 2/16/2014

Testimony for CPC/JUD on Feb 19, 2014 14:15PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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## kawakami3-Benigno

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 16, 2014 10:23 AM  
**To:** CPCtestimony  
**Cc:** islandeyesvideo@yahoo.com  
**Subject:** Submitted testimony for HB1503 on Feb 19, 2014 14:15PM

### **HB1503**

Submitted on: 2/16/2014

Testimony for CPC/JUD on Feb 19, 2014 14:15PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Marvin Porter	Individual	Support	No

Comments: This is a very sensible bill. If the landlord does not allow smoking of tobacco then the renter must not smoke cannabis but prepare in other ways. I encourage you to support HB 1503. Mahalo, Mary Marvin Porter

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**House Committee on Consumer Protection & Commerce**

Rep. Angus L.K. McKelvey, Chair

Rep. Derek S.K. Kawakami, Vice Chair

**House Committee on Judiciary**

Rep. Karl Rhoads, Chair

Rep. Sharon Har, Vice Chair

Wednesday, February 19, 2014

2:15 PM

Conference Room 325

State Capitol

415 South Beretania Street

**Support – HB1503– Relating to the Residential Landlord-Tenant Code**

Dear Honorable Committee Chairs and Vice Chairs,

I strongly support this bill. I work as the community organizer for the Medical Cannabis Coalition of Hawaii. In this capacity I talk and write daily with medical marijuana patients. I have heard several times about patients who were being evicted or threatened with eviction on the grounds that their rental agreements included a provision prohibiting “illegal drugs.”

While the law as it currently stands seems to hold up their side in these disagreements, this bill will give them peace of mind. It will make clear that medical marijuana is a reasonable accommodation of rules, and most importantly, it will make it so that patients are not in a position where their housing is up in the air, dependent upon the ruling of some other body.

We can save everyone time, worry, and costs by passing this bill. It is very much in keeping with the spirit of Hawaii's fair housing laws, and as such does not limit the rights of landlords. It preserves their right to protect their property from smoke damage. It keeps them from, accidentally or through ignorance, throwing the very sick out on the street in an act of housing discrimination. It is, in other words, a win for everyone. Thank you for your time and consideration of this excellent bill.

Sincerely,

Rafael Kennedy

Rafael Kennedy  
91-1018 Kaiiau Ave.  
Kapolei, HI 96707

## **House Committee on Consumer Protection & Commerce**

Rep. Angus L.K. McKelvey, Chair

Rep. Derek S.K. Kawakami, Vice Chair

## **House Committee on Judiciary**

Rep. Karl Rhoads, Chair

Rep. Sharon Har, Vice Chair

Wednesday, February 19, 2014

2:15 PM Conference Room 325, State Capitol

### **Support – HB1503– Relating to the Residential Landlord-Tenant Code**

Aloha Chair McKelvey, Chair Rhoads and members of the Committee on Consumer Protection and Committee on Judiciary,

Thank you Representative Rhoads for introducing this bill at my request.

I have recently been denied housing because I was honest with a landlord about being a medical marijuana patient. Most leases and rental agreements state “No Illegal drugs are to be used or allowed on the premises”. One argument heard from landlords is that marijuana is still illegal under federal law. State fair housing law says, “To refuse to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a housing accommodation.” I believe clarification is needed to avoid confusion and this bill is an important measure to protect medical patients from discrimination and eviction because the current available option is that a tenant must file a complaint with the Civil Rights Commission.

This bill is good for landlords and patients alike. It protects landlords by allowing them to protect the property from smoke damage, because it provides that *if* a provision disallows smoking tobacco, smoked use of medical cannabis is not protected. It helps renters to know that they are protected in their legal use of medical marijuana for debilitation conditions.

We don't allow landlords to peek into medicine cabinets before renting to people. Landlords should not be able to discriminate against lease applicants or evict people for using their medicine, leaving people with a black mark on their rental history, creating an environment of fear regarding using their medicine or worse yet having to choose between their medicine and a place to live.

Mahalo,

Craig R. Ellenwood

# Fax

**To:** Hawaii Legislature

**From:** Michelle Tippens

**Date:** 18 February 2014

**Fax:** (888) 335-0445

**Pages:** 4

**Phone:** (469) 826-7076

**Re:** Marijuana and Industrial Hemp

● **Comments:**

Tomorrow there will be hearings involving medicinal marijuana patient's rights. Please be there and vote in support of the rights of the sick and injured peoples of Hawaii, the people who need MMJ most.

Industrial Hemp (IH) and Medicinal Marijuana (MMJ) are two subjects that are on the forefront of the minds (and media) in the US at this time. Voter support for marijuana, both medicinal and recreational, is at its highest in over 30 years. A recent study conducted by QMark (commissioned by the Hawaii Drug Policy Action Group) found that 66% of Hawaiian voters support the legalization of cannabis and 85% support the establishment of licensed medical cannabis dispensaries. Additionally, three-quarters of voters in Hawaii feel jail time is an inappropriate consequence for breaking marijuana possession laws. It is becoming obvious, both in Hawaii and Nationwide, that the stigmatized thinking surrounding both marijuana and hemp plants is dissipating.

This stigma resulted from the mass Federal effort in the 1930s to eradicate these cash crops because they were in direct competition with other, big agriculture crops like cotton (hemp makes highly durable cloth and the strongest rope in the world); as well as industrial interests in areas such as synthetics (nylon was first produced in 1935) and logging (in the early 1900s, all US Federal documents were printed on hemp paper which directly cut into the potential profits for investors in timber and the logging industry), not out of some interest in public safety. In fact, the only person to speak out against the Federal sanctions against marijuana was a doctor with the American Medical Association, Dr. William Creighton Woodward. Dr. Woodward advised that physicians supporting the legislation were not familiar with the term marijuana, as the term cannabis was used in the medical profession at the time, saying "Marijuana is not the correct term... Yet the burden of this bill is placed heavily on the doctors and pharmacists of this country."

Regardless of its origin, the negative beliefs and propagandized thought patterns surrounding MMJ, IH and marijuana as a recreational drug are dissipating in light of not only new research but the 'resurfacing' of studies (such as the La Guardia Committee Report) that had been conducted over the past 50 years and were buried at the time because the findings were contradictory to the laws in place. This research has not only demonstrated that cannabis has previously unacknowledged (at least since the early 1900s) medical applications but has also found the hemp plant to be just as vital to moving the agricultural industry into a profitable and sustainable future.

IH and MMJ plants will and do help ease the suffering of the thousands of Hawaiian citizens who are plagued by the myriad of conditions MMJ has been found to treat, including but not limited to: Alzheimer's, ALS, Chronic Pain, Diabetes, Dystonia, Fibromyalgia, Gastrointestinal Disorders, Gliomas, Cancer, Hepatitis C, Human Immunodeficiency Virus (HIV)/Advanced Immunodeficiency Syndrome (AIDS), Huntington's Disease, Hypertension (High Blood Pressure), Incontinence, Methicillin-Resistant Staphylococcus Aureus (MRSA), Multiple Sclerosis, Osteoporosis, Pruritis, Rheumatoid Arthritis, Sleep Apnea and Tourette's Syndrome (just to name a few). Legislation that supports the reintroduction of MMJ and IH into a legal economic structure is a step toward creating a better Hawaii and a better America, both for those that are sick and injured and for those that are suffering from other issues (including economic) that either MMJ or the growth of IH could

assist with.

For example, it takes a fraction of the cost to draw cellulose (stuff that makes paper) from hemp as compared to wood. So, it is cheaper to make paper with hemp and it can be done with the current machines being used, which means no capital investment to change over equipment, reduced operating costs (vinegar is used instead of harsh chemicals) and no deforestation. In fact, hemp is a phytoremediator, meaning it cleanses the soil it is planted in; which is great news to the citizens of Kauai in particular.

Farmers could be weaned off of subsidies by simply allowing them to grow IH (not to mention the potential profits of commercially growing MMJ), which has over 2,500 different textile applications, providing each farmer the ability to sell these crops as a whole harvest and likely enable them to have a buyer secured before harvest for the entire industrial crop. Those farmers would then have money to put back into the economy of their local Island, stimulating each islands economic growth as a result. Furthermore, the Hawaiian State budget could gain over 50 million dollars annually by allowing the commercial growth of and applying a 2-5% luxury tax to recreational marijuana.

The environmental benefit is significant, both as a result of the reduced need to mow down acres of wooded areas and as a result of the increased flora respiration (plants taking in carbon dioxide and producing oxygen). Plus, hemp plants enrich the soil they are planted in, both through phytoremediation and by depositing nitrogen (plants eat it) back into the soil as it grows. This allows previously unsuitable soil to be rehabilitated and used for other crops in rotation (if desired).

The Crime and Justice benefits include: reducing overcrowding in jails and costs associated with housing Hawaiian offenders in other states, easing the case load of an already overburdened probationary staff (allowing them to focus on keeping account of violent offenders), a reduction in the budgetary burden placed upon the state for criminal enforcement against a plant that grows wild (and that the majority of Hawaiians support), increases respect within the community for the police force by allowing citizens to see officers as individuals whom are there to Serve & Protect, not regulate & oppress.

A dispensary framework allows patients to obtain medicine from reputable, regulated shops with trained, educated personnel instead of from a nameless, faceless drug dealing criminal that has Meth in one hand, marijuana in the other and has no oversight requiring that the wares being peddled be safe and only available to individuals of at least a specified age (or younger with a doctor's recommendation). *In this capacity, creating a dispensary structure and allowing recreational, regulated sale of marijuana protects the Keiki of Hawai'i by significantly reducing their ability to access marijuana.* DRUG DEALERS DON'T CHECK IDs – DISPENSARY EMPLOYEES DO.

The social benefit Hawaiians would enjoy from the passage of legislation creating a dispensary structure for the medicinal sale of marijuana, although qualitative, is substantial. Increased quality of life and relief of depression and anxiety are side effects that are virtually universal as the result

of marijuana use. Lower anxiety and stress levels will benefit Hawaiians in ways that may have previously been unconsidered, such as the reduction in assault and homicide rates (most homicides are committed while in an extreme emotional state). All while easing the symptoms associated with hundreds of debilitating diseases through therapeutic marijuana application.

A large percentage of the homeless in Hawai'i suffer from mental illness, drug addiction or both. Legalizing marijuana for recreational use would allow these people to consume marijuana recreationally, allowing them to self-medicate for a myriad of mental illnesses and drug addiction – related issues. This would give the state of Hawai'i the immediate result of a healthier population of indigent peoples; resulting in lower social welfare costs burdening the state budget.

That (so far) has covered 9 different areas, *including the Keikis ability to access marijuana*, within the citizenry's concern when it comes to elections, and a multitude of beneficial leaps our state could enjoy within each of them: Agricultural, Economic, Environmental, Medical/Health Care, Crime/Justice (including a reduction in the state's Jailing expenses), Patient Access to quality alternative medications, *Limiting Keiki Access to Marijuana*, Social and reducing expenses associated with the Homeless Population in Hawai'i.

Why isn't Hawai'i on the LEADING EDGE of hemp textile technology and medicinal marijuana research? With a year round growing season that can accommodate THREE CROPS ANNUALLY of either marijuana or IH, Hawai'i has the best opportunity to grow these crops at the lowest expense (growing outdoors), while providing the natural effects of growing these crops will renew the natural beauty and health of the beautiful islands we call so very lovingly, our home.

*Please do your due diligence as an elected official of the people of Hawai'i by doing your own objective inquiry into both the current research surrounding these plants and the desires of the people whom you represent. **Your voters care about this issue.***



Rep. Karl Rhoads, Chair  
Rep. Sharon E. Har, Vice Chair  
COMMITTEE ON JUDICIARY

Hearing: 2/19/14 @ 2:15 p.m.

David W.H. Chee, Esq.  
808-539-1150  
[dchee@tqlawyers.com](mailto:dchee@tqlawyers.com)

Comments On: H.B. No. 1503, Relating to the Residential Landlord-Tenant Code

I am an attorney who works in the landlord/tenant area. I am providing comments on H.B. No. 1503.

The proposed legislation's intent appears to be to allow someone in rented housing to have an absolute right to use medical marijuana. As written, the legislation raises certain questions:

- (1) In order to qualify for the protections of the legislation does the user of the medical marijuana need to be the person who is authorized by law to use the marijuana? As written, any person who uses medical marijuana, regardless of whether they are authorized to use it, is exempt from eviction. So, a thief who steals medical marijuana and smokes it at a rented premises would be exempt from eviction.
- (2) The term, "medical marijuana" is not defined. As a result, the legislation is vague and could allow a recreational marijuana user to claim exemption from eviction if he or she can relate their use to a medical condition (e.g. "stress").
- (3) This legislation is at odds with generally accepted law. In every contract it is implied, as a matter of law, that the contracting parties will act lawfully. Marijuana use is illegal under Federal law. Enacting this legislation will cause confusion for both renters and landlords as to whether a rental agreement can, or cannot, be terminated because of actions that are illegal under Federal law.
- (4) This legislation may create a trap for unwary landlords who rent out their condominium units. Many rented apartments are in condominiums. Condominiums often have house rules and other restrictions that prohibit the use of drugs, including marijuana. Under HRS 521-52(c), such rules would normally be enforceable against a tenant renting a unit in a condominium and could lead to a tenant's eviction. This legislation would prevent a landlord from removing tenants using medical marijuana in violation of the condominium rules. Nonetheless, the condominium could assess fines and take enforcement action against the landlord, which may result in significant financial penalty to the owner and, potentially, foreclosure.





**LATE**

February 18, 2014

Chair Rhoads and Members of the Committee,

I am writing in support of HB1503 as I feel that a tenant should not be evicted for the use of medical marijuana if they were not previously informed in writing. The landlord should put this clause in the rental agreement whereas the tenant would be informed at the time of signing of the rental agreement, which would avoid an unfair eviction.

Sincerely,  
Jacqueline Cockett

**kawakami3-Benigno**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 18, 2014 10:05 PM  
**To:** CPCtestimony  
**Cc:** intrepid.goddess@gmail.com  
**Subject:** Submitted testimony for HB1503 on Feb 19, 2014 14:15PM



**HB1503**

Submitted on: 2/18/2014

Testimony for CPC/JUD on Feb 19, 2014 14:15PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michelle Tippens	Individual	Support	Yes

Comments: I, being a medicinal marijuana patient, am in support of this legislation. However, even though this measure makes void any contract provision that allows for eviction of a tenant for using medical marijuana in any form, it does not protect the patient (te nant) if the contract allows for eviction for smoking tobacco and the medical marijuana is used by means of smoking. I find this moment an appropriate time to make mention of a different measure that failed to make its February 13th deadline, HB 1567. This bill would have removed marijuana concentrates from the list of permissible substances patients could use or possess. Measures similar to HB 1567 would restrict patients options for utilizing cannabis as a medication to smoking. Allowing for the eviction of medicinal marijuana patients from their homes because they are using their chosen MEDICATION (regardless of method of intake) for any reason is inappropriate at best. I support the protections this bill proposes to offer, but am against any provision that creates an exclusionary opportunity that provides a 'loop hole' in the intended protections for patients set forth in this measure.

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# LATE

When the Legislative Body is introducing measures that outline a reduction in permissible substances to restrict a patient's options for utilizing MMJ down to primarily smoking or buying a vaporizer that is capable of vaporizing unprocessed marijuana plant matter (which starts at around \$250 at the low end), and a measure such as this one, allowing landlords to discriminate against tenants for using their prescribed medication in the manner that is least expensive and has the shortest maximum efficacy delay - meaning shortest time between medicating + relief – in the same session; it feels as though the legislature is creating a system (whether intentionally or not) that allows for the wide-spread discrimination of patients that are choosing non-chemical, natural remedies to treat their illnesses within the housing market.

It is highly inappropriate for the legislation to carry a measure that stipulates an allowance for biased housing practices under any circumstance outside of a tenant's control, whether it's an illness, debilitating disease or any other handicap. At best, it allows for discrimination that could be in violation of fair and equitable housing

practices and at worst could be interpreted as a violation of the US Fair Housing Act.

The Fair Housing Act, as amended in 1988, prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. Its coverage includes private housing, housing that receives Federal financial assistance, and State and local government housing. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence. The Fair Housing Act requires owners of housing facilities to make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities. As a parallel example, a landlord with a "no pets" policy may be required to grant an exception to this rule and allow an individual who is blind to keep a guide dog in the residence. Why then, should landlords be provided a stipulation that allows them to practice discrimination in selling or renting housing to a buyer or renter when the exception needed is for smoking medicinally prescribed marijuana?

FILE

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org

LATE

KIRK CALDWELL  
MAYOR



LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE      JI-TA

February 19, 2014

The Honorable Angus L. K. McKelvey, Chair  
and Members  
Committee on Consumer Protection  
and Commerce  
The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
The House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chairs McKelvey and Rhoads and Members:

SUBJECT: House Bill No. 1503, Relating to the Residential Landlord-Tenant Code

I am Jason Kawabata, Captain of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 1503, Relating to the Residential Landlord-Tenant Code.

This bill seeks to void any landlord and tenant contract provision that allows for the eviction of a tenant for using medical marijuana in any form unless the contract allows for eviction for smoking tobacco.

Research has also shown that marijuana has a high potential for abuse and addiction, and marijuana remains classified as a Schedule I controlled substance under the Controlled Substances Act of 1970. Therefore, we oppose any changes to the Landlord-Tenant Code that afford exceptions for marijuana use.

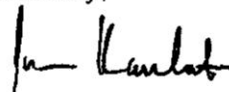
The Honolulu Police Department urges you to oppose House Bill No. 1503.

Thank you for the opportunity to testify.

APPROVED:

  
LOUIS M. KEALOHA  
Chief of Police

Sincerely,

  
JASON KAWABATA, Captain  
Narcotics/Vice Division

*Serving and Protecting With Aloha*