

JAN 18 2023

A BILL FOR AN ACT

RELATING TO BED BUGS.

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

1 SECTION 1. The legislature finds that bed bugs, *cimex*
2 *lectularius*, are bloodsucking insects that typically feed at
3 night and hide in warm sheltered areas, such as bedrooms. The
4 United States Department of Agriculture, Environmental
5 Protection Agency, and the Centers for Disease Control and
6 Prevention consider bed bugs a public health pest. According to
7 these agencies, there is a resurgence in the population of bed
8 bugs in the United States, which is likely associated with the
9 increased resistance of bed bugs to available pesticides,
10 increased domestic and international travel, lack of knowledge
11 regarding bed bug control, and the decline or elimination of
12 effective vector and pest control programs. While bed bugs have
13 not been shown to transmit disease, they can cause negative
14 physical health, mental health, and economic consequences,
15 including allergic reactions to bites, anxiety and insomnia, and
16 use of financial resources to contain infestations.



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1 The legislature further finds that more than twenty states
2 have laws or regulations specific to bed bugs. Hawai'i's
3 landlord-tenant laws, however, do not explicitly address bed
4 bugs.

5 The purpose of this Act is to prohibit landlords, including
6 those operating in public housing and educational dorm settings,
7 from renting a dwelling unit that the landlord knows has a
8 current bed bug infestation and establish procedures that
9 landlords must take upon receiving notice of an actual or
10 suspected bed bug infestation.

11 SECTION 2. Chapter 521, Hawaii Revised Statutes, is
12 amended by adding a new section to part IV to be appropriately
13 designated and to read as follows:

14 "§521- Bed bugs; procedures and reporting. (a) Prior
15 to renting a dwelling unit and, if the landlord has notice of a
16 suspected or actual bed bug infestation, a landlord shall
17 visually inspect the dwelling unit for any evidence of the
18 presence of bed bugs. Evidence of bed bugs may be indicated by
19 observation of a living bed bug; bed bug carapace; eggs or egg
20 casings; or brownish or blood-colored spotting on linens,
21 mattresses, or furniture. A landlord shall not show or rent to



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1 a prospective tenant any dwelling unit that the landlord knows
2 or reasonably suspects has a current bed bug infestation. This
3 section shall not require a landlord to inspect a dwelling unit
4 or the common areas of the premises for bed bugs prior to rental
5 if the landlord has not received notice of a suspected or actual
6 bed bug infestation. If a bed bug infestation is evident on
7 visual inspection, the landlord shall be considered to have
8 notice.

9 (b) Prior to renting a dwelling unit, a landlord shall
10 disclose to a prospective tenant if the landlord has knowledge
11 of an adjacent unit or units that are currently infested with
12 bed bugs, are being treated for bed bugs, or have been treated
13 for bed bugs within the previous thirty days.

14 (c) Upon notification by a person who finds or reasonably
15 suspects a bed bug infestation in a dwelling unit or common area
16 of the premises, the landlord shall within five days of receipt
17 of notification:

18 (1) Acknowledge receipt of notification of the suspected
19 infestation; and



1 (2) Inspect, or obtain investigatory services from a pest
2 control operator licensed pursuant to chapter 460J
3 for, the dwelling unit or common area.

4 (d) Upon a determination of an infestation, the landlord
5 shall within seven days:

6 (1) Obtain and provide remedial services from a pest
7 control operator licensed pursuant to chapter 460J;

8 (2) Inspect, or obtain investigatory services from a pest
9 control operator for, any unit directly adjacent to or
10 above or below the dwelling unit or common area from
11 which the original notification came;

12 (3) Provide all tenants of units who may be affected by
13 the bed bug infestation with notice of the
14 infestation. Electronic notice may be provided by
15 electronic mail or by an electronic portal or
16 management communication system that is available to
17 both a landlord and a tenant. Similar notification
18 shall be provided to all tenants in connection with
19 determinations made regarding a common area of the
20 premises;



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1 (4) Notify the department of health of the infestation and
2 report any control measures taken, including chemicals
3 applied and other remedies provided; and

4 (5) Maintain a written record of all notifications and
5 control measures provided, including reports of
6 chemicals applied and other remedies provided, and any
7 other reports or receipts prepared by the pest control
8 operator, which shall be maintained for two years.

9 (e) Responsibility for cost of bed bug remediation shall
10 be determined as follows:

11 (1) If a tenant notifies the landlord that the tenant
12 discovered or reasonably suspects a bed bug
13 infestation within the tenant's dwelling unit within
14 sixty days after the commencement of the lease, or
15 within thirty days of a discovery of a bed bug
16 infestation in an adjoining unit in the building, the
17 landlord shall be responsible for the costs of
18 investigating and remediating the infestation; and

19 (2) If a tenant notifies the landlord that the tenant
20 discovered or reasonably suspects a bed bug
21 infestation more than sixty days after the



1 commencement of the lease, or more than thirty days
2 after a discovery of a bed bug infestation in an
3 adjoining unit in the building, the landlord shall be
4 responsible for investigating and remediating the bed
5 bug infestation; provided that the tenant shall
6 equally share in the responsibility for the reasonable
7 costs for remediating the infestation in the tenant's
8 unit.

9 The tenant shall not be responsible for sharing in any costs for
10 dwelling units controlled, owned, or managed by the Hawaii
11 public housing authority or by a university or college in the
12 State.

13 (f) A tenant shall not knowingly bring into the dwelling
14 unit personal furnishings or belongings that are known or
15 reasonably suspected to be infested with bed bugs.

16 (g) A tenant shall have the duty to notify a landlord of
17 the suspected existence of bed bugs within the tenant's dwelling
18 unit.

19 (h) As used in this section:

20 "Bed bug infestation" means the presence of bed bugs.



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1 "Bed bug remediation" means action taken by the landlord
2 that substantially reduces the presence of bed bugs in a
3 dwelling unit for at least sixty days.

4 "Dwelling unit" means a structure, or part of a structure,
5 which is used as a home, residence, or sleeping place by one
6 person or by two or more persons maintaining a common household,
7 to the exclusion of all others. Notwithstanding section 521-7,
8 "dwelling unit" includes:

9 (1) A public housing project or complex directly
10 controlled, owned, or managed by the Hawaii public
11 housing authority pursuant to the federal low rent
12 public housing program, or a structure on a property
13 directly controlled, owned, or managed by the Hawaii
14 public housing authority; and

15 (2) A residence in a structure directly controlled and
16 managed by a university or college in the State for
17 housing its students or faculty, or residence in a
18 structure erected on land leased from the university
19 or college by a nonprofit corporation for the
20 exclusive purpose of housing students or faculty of
21 the college or university; or a private dorm



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Report Title:

Bed Bugs; Landlords; Rental Dwelling Units; Infestations

Description:

Prohibits landlords, including those operating in public housing and educational dorm settings, from renting a dwelling unit that the landlord knows has a current bed bug infestation.

Establishes procedures that landlords shall take upon receiving notice of an actual or suspected bed bug infestation

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