THE SENATE THIRTY-SECOND LEGISLATURE, 2023 STATE OF HAWAII

S.B. NO. 22

JAN 1 8 2023

A BILL FOR AN ACT

RELATING TO BED BUGS.

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

The legislature finds that bed bugs, cimex 1 SECTION 1. 2 *lectularius*, are bloodsucking insects that typically feed at night and hide in warm sheltered areas, such as bedrooms. 3 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 bugs in the United States, which is likely associated with the 8 9 increased resistance of bed bugs to available pesticides, 10 increased domestic and international travel, lack of knowledge regarding bed bug control, and the decline or elimination of 11 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, including allergic reactions to bites, anxiety and insomnia, and 15 16 use of financial resources to contain infestations.



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

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

14 "§521- Bed bugs; procedures and reporting. (a) Prior to renting a dwelling unit and, if the landlord has notice of a 15 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 casings; or brownish or blood-colored spotting on linens, 20 mattresses, or furniture. A landlord shall not show or rent to 21

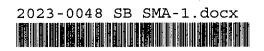


1	a prospective tenant any dwelling unit that the landlord knows
2	or reasonably suspects has a current bed bug infestation. This
3	section shall not require a landlord to inspect a dwelling unit
4	or the common areas of the premises for bed bugs prior to rental
5	if the landlord has not received notice 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

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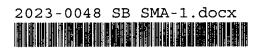
1	(2)	Inspect, or obtain investigatory services from a pest
2		control operator licensed pursuant to chapter 460J
3		for, the dwelling unit or common area.
4	(d)	Upon a determination of an infestation, the landlord
5	shall wit	hin seven days:
6	(1)	Obtain and provide remedial services from a pest
7		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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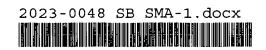
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1	(4)	Notify the department of health of the infestation and
2		report any control measures taken, including chemicals
3		applied and other remedies provided; and
4	(5)	Maintain a written record of all notifications and
5		control measures provided, 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 determ	nined 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

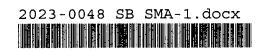


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1	commencement of the lease, or more than thirty days
2	after a discovery of a bed bug infestation in an
3	adjoining unit in the building, the landlord shall be
4	responsible for investigating and remediating the bed
5	bug infestation; provided that 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.



1	"Bed	bug remediation" means action taken by the landlord
2	that subs	tantially reduces the presence of bed bugs in a
3	dwelling w	unit for at least sixty days.
4	"Dwe	lling 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 exc	clusion 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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	INTRODUCED BY: Kalaban
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5	SECTION 4. This Act shall take effect upon its approval.
4	SECTION 3. New statutory material is underscored.
3	institution of higher education in the State."
2	to students of any college, university, or other
1	management company that offers a minimum of fifty beds

INTRODUCED BY:

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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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