
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.



1 The legislature further finds that more than twenty states
2 have laws or regulations specific to bed bugs. Hawaii'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; 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



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 fourteen days of
17 receipt 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 provided that the tenant shall provide reasonable access to the
5 dwelling unit or common area upon forty-eight hours' notice.

6 (d) Upon a determination of an infestation, the landlord
7 shall within fourteen days:

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

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

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



1 determinations made regarding a common area of the
2 premises;
3 (4) Notify the department of health of the infestation and
4 report any control measures taken, including chemicals
5 applied and other remedies provided; and
6 (5) Maintain a written record of all notifications and
7 control measures provided, including reports of
8 chemicals applied and other remedies provided, and any
9 other reports or receipts prepared by the pest control
10 operator, which shall be maintained for two years;
11 provided that the tenant shall provide reasonable access to the
12 dwelling unit or common area upon forty-eight hours' notice.

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

15 (1) If a tenant notifies the landlord that the tenant
16 discovered or reasonably suspects a bed bug
17 infestation within the tenant's dwelling unit within
18 sixty days after the commencement of the lease, or
19 within thirty days of a discovery of a bed bug
20 infestation in an adjoining unit in the building, the



1 landlord shall be responsible for the costs of
2 investigating and remediating the infestation; and
3 (2) If a tenant notifies the landlord that the tenant
4 discovered or reasonably suspects a bed bug
5 infestation more than sixty days after the
6 commencement of the lease, or more than thirty days
7 after a discovery of a bed bug infestation in an
8 adjoining unit in the building, the landlord shall be
9 responsible for investigating and remediating the bed
10 bug infestation; provided that the tenant shall
11 equally share in the responsibility for the reasonable
12 costs for remediating the infestation in the tenant's
13 unit.

14 The tenant shall not be responsible for sharing in any costs for
15 dwelling units controlled, owned, or managed by the Hawaii
16 public housing authority or by a university or college in the
17 State.

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



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

4 (h) As used in this section:

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

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

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

14 (1) A public housing project or complex directly
15 controlled, owned, or managed by the Hawaii public
16 housing authority pursuant to the federal low rent
17 public housing program, or a structure on a property
18 directly controlled, owned, or managed by the Hawaii
19 public housing authority; and

20 (2) A residence in a structure directly controlled and
21 managed by a university or college in the State for



1 housing its students or faculty, or residence in a
2 structure erected on land leased from the university
3 or college by a nonprofit corporation for the
4 exclusive purpose of housing students or faculty of
5 the college or university; or a private dorm
6 management company that offers a minimum of fifty beds
7 to students of any college, university, or other
8 institution of higher education in the State."

9 SECTION 3. New statutory material is underscored.

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



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. Effective 7/1/2050. (SD1)

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