

HB
462

A BILL FOR AN ACT

RELATING TO THE LANDLORD TENANT CODE.

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

1 SECTION 1. Section 521-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§521-7 Exclusions from application of chapter. Unless
4 created solely to avoid the application of this chapter, this
5 chapter shall not apply to:

6 (1) Residence at an institution, whether public or
7 private, where residence is merely incidental to
8 detention or the provision of medical, geriatric,
9 educational, religious, or similar services;

10 (2) Residence in a structure directly controlled and
11 managed by:

12 (A) The University of Hawaii or any other university
13 or college in the State for housing its own
students or faculty or residence in a structure
erected on land leased from the university or
college by a nonprofit corporation for the



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- 1 exclusive purpose of housing students or faculty
2 of the college or university; or
- 3 (B) A private dorm management company that offers a
4 minimum of fifty beds to students of any college,
5 university, or other institution of higher
6 education in the State;
- 7 (3) Occupancy under a bona fide contract of sale of the
8 dwelling unit or the property of which it is a part
9 where the tenant is, or succeeds to the interest of,
10 the purchaser;
- 11 (4) Residence by a member of a fraternal organization in a
12 structure operated without profit for the benefit of
13 the organization;
- 14 (5) Transient occupancy on a day-to-day basis in a hotel
15 or motel;
- 16 (6) Occupancy by an employee of the owner or landlord
17 whose right to occupancy is conditional upon that
18 employment or by a pensioner of the owner or landlord
19 or occupancy for a period of up to four years
20 subsequent thereto, pursuant to a plan for the



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- 1 transfer of the dwelling unit or the property of which
2 it is a part to the occupant;
- 3 (7) A lease of improved residential land for a term of
4 fifteen years or more, measured from the date of the
5 commencement of the lease;
- 6 (8) Occupancy by the prospective purchaser after an
7 accepted offer to purchase and prior to the actual
8 transfer of the owner's rights;
- 9 (9) Occupancy by the seller of residential real property
10 after the transfer of the seller's ownership rights;
- 11 (10) Occupancy in a homeless facility or any other program
12 for the homeless authorized under part XVII of chapter
13 346;
- 14 (11) Residence or occupancy in a public housing project or
15 complex directly controlled, owned, or managed by the
16 Hawaii public housing authority pursuant to the
17 federal low rent public housing program;
- 18 (12) Residence or occupancy in a transitional facility for
19 abused family or household members; [e]



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Report Title:

Landlord Tenant Code; Exemption; DOA

Description:

Exempts the residency or occupancy in a structure or on a property directly controlled, owned, or managed by the Department of Agriculture from the Residential Landlord-Tenant Code.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Acting Chairperson
Board of Agriculture

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TESTIMONY OF THE DEPARTMENT OF AGRICULTURE
BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

FEBRUARY 6, 2019
2:00 P.M.
CONFERENCE ROOM 329

HOUSE BILL NO. 462
RELATING TO THE LANDLORD TENANT CODE

Chairperson Takumi and Members of the Committee:

Thank you for the opportunity to testify on House Bill 462. This bill exempts the residency or occupancy in a structure or on a property directly controlled, owned, or managed by the Department from the Residential Landlord-Tenant Code. The Department of Agriculture supports this bill.

HB 462 seeks to include farm dwellings and other structures on lands under the jurisdiction of the Department in the list of exclusions from the Residential Landlord-Tenant Code. This exemption is appropriate and provides greater consistency in the management of residential uses on public lands or for public purposes.

Thank you for the opportunity to testify on this measure.



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Submitted on: 2/1/2019 6:57:45 PM

Testimony for CPC on 2/6/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Winslow	Individual	Support	No

Comments: