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# 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  
14 students or faculty or residence in a structure  
15 erected on land leased from the university or  
16 college by a nonprofit corporation for the



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



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; [ø]



1 (13) Residence or occupancy in a structure or on a property  
2 directly controlled, owned, or managed by the Hawaii  
3 public housing authority[-]; or

4 (14) Residence or occupancy in a structure or on a property  
5 directly controlled, owned, or managed by the  
6 department of agriculture."

7 SECTION 2. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect on July 1, 2019.



**Report Title:**

Landlord Tenant Code; Exemption; DOA

**Description:**

Exempts residence or occupancy in a structure or on property directly controlled, owned, or managed by the Department of Agriculture from the Residential Landlord-Tenant Code. (SD1)

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