HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL 13 (2025)

A BILL FOR AN ORDINANCE

RELATING TO REAL PROPERTY.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address private real property subject to a lease, rental agreement, or HRS Chapter 521, Relating to the Residential Landlord-Tenant Code.

SECTION 2. Chapter 41, Revised Ordinances of Honolulu 2021 ("Public Health and Safety"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

"ARTICLE __: AGENT'S INSPECTION OF PRIVATE REAL PROPERTY

§ 41-__.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Consent. An owner's or landlord's designation of an agent that is requested and approved in accordance with § 41-__.2.

Department. The Honolulu police department.

Landlord. Has the same meaning as defined in HRS § 521-8.

Owner. Has the same meaning as defined in § 8-6.3(c).

Police Officer. Any police officer of the department.

Private Property or ***Property.*** Any real property, including but not limited to buildings, structures, yards, open spaces, walkways, courtyards, driveways, carports, parking areas, and vacant lots owned by any person or legal entity other than property owned or lawfully possessed by any governmental entity or agency.

Rental Agreement. All agreements, written or oral, that establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a private property or property.

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§ 41-__.2 Inspection of private property by a police officer, as an agent of the owner or landlord.

(a) *Authority.* An owner or landlord of private property with the right to inspect private property provided by a lease, rental agreement, or HRS Chapter 521 may designate the department as an agent of the owner or landlord to inspect the property as provided by the lease, rental agreement, or HRS Chapter 521 for a period not to exceed 12 months. The designation must be made by request submitted to the department by the owner or landlord to designate the department as an agent of the owner or landlord for purposes of the inspection. The chief of police may approve or deny the requested designation. If the designation is approved by the chief of police, a police officer may act as an agent of the owner or landlord to inspect the property as provided in the lease, rental agreement, or HRS Chapter 521, in accordance with subsection (c).

(b) *Designation form.* The designation must be made on a form provided by the department that includes:

(1) The address of the private property;

(2) The duration of the authorization period, including beginning and ending dates;

(3) The name of the lessee, tenant, or renter;

(4) A copy of the current lease or rental agreement of the private property, or a sworn statement that the current lease or rental agreement is oral;

(5) A sworn statement of the need for police support with regard to the private property and, based on the information and belief of the owner or landlord, a description of the nature of the unlawful activities that have occurred or that may be occurring on the property; and

(6) A request that a police officer be allowed to enter the property for the purposes of preventing or abating any unlawful activity on the property.

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(c) *Inspection by police officer.* A police officer authorized to act as an agent of the owner or landlord pursuant to a consent granted under subsection (a) may inspect the owner's or landlord's real property designated in the consent; provided that:

(1) The inspection occurs within the authorization period designated in the consent; and

(2) The police officer:

(A) As an agent of the owner or the landlord, complies with any provision of the lease, rental agreement, or HRS Chapter 521 that requires notice to the lessee, tenant, or renter of an inspection;

(B) Possesses a copy of the consent during the inspection and shows the consent to any persons on the premises during the inspection upon their request; and

(C) Conducts the inspection during reasonable hours to include from 6:00 a.m. to 10:00 p.m.

(d) *Powers of police officer on inspection.* In conducting an inspection authorized under this article, the police officer may:

(1) Request, as an agent of the owner or landlord, that persons not specifically authorized to be present in the lease or rental agreement to leave and not return pursuant HRS § 708-814;

(2) Document any violations of the lease or rental agreement in a report and provide a copy of that report to:

(A) The owner or landlord; and

(B) Any mortgagor and insurer of the property; and

(3) Investigate any plain view violation of law observed during inspection while acting as an agent of the owner or landlord.

(e) *Eviction proceedings.* The owner or landlord of a property that has been inspected by a police officer pursuant to this section shall initiate eviction proceedings in accordance with the lease, rental agreement, or HRS Chapter 521 against the lessee, tenant, or renter of the property upon receipt of a report of the inspecting police officer that includes evidence, as determined by the chief of police, that any unlawful activity has occurred or is occurring on the property during the term of the current lease or rental agreement.

(f) *Records.* All designations approved under subsection (a) must be retained by the department for at least __ years.

§ 41-__.3 Rules.

The chief of police shall adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement of this article.

§ 41-__.4 Annual report.

Not later than January ___ of each year, the chief of police shall submit to the council a report providing information for the preceding calendar year regarding the implementation of this article, which at a minimum must include: the number of designations requested under § 41-__.2(a) that were received by the department; the number of those designations approved by the department; the number of inspections executed by police officers pursuant to § 41-__.2(b); and the outcome of each inspection."

SECTION 3. The Revisor of Ordinances shall, pursuant to the Revisor's authority under SECTION 2 of Ordinance 23-7, update the Reporting Requirements Table to include the reporting requirements enacted by SECTION 2 of this ordinance.

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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

A. Fypola

DATE OF INTRODUCTION:

JAN 29 2025

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

_____

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ___.

_____

RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:
Inspection; Real Property; Private Property; Landlord; HRS Chapter 521; Designate; Honolulu Police Department ("HPD"); Consent; Agent; Report; Eviction; Mortgagor; Insurer; HRS Section 708-814; Rulemaking Authority

Description:
Allows an owner or landlord of private real property to request the designation of the HPD as the owner's or landlord's agent to inspect the property in accordance with the lease, rental agreement, or HRS Chapter 521 (the Residential Landlord-Tenant Code), for a term not to exceed 12 months, subject to approval by the Chief of Police. Requires that an inspecting police officer provide advance notice of the inspection pursuant to the lease, rental agreement, or the Residential Landlord-Tenant Code; inspect the property during reasonable hours, to include 6:00 a.m. to 10:00 p.m.; and show the consent for the inspection to any person on the premises during the inspection upon their request. Allows the inspecting police officer to request a person not authorized to be present on the property to leave and not return pursuant to HRS Section 708-814, relating to criminal trespass in the second degree; document any violations of the lease in a report; and provide a copy of the report to the owner, landlord, mortgagor, and insurer of the property, as applicable. Requires the owner or landlord of inspected leased or rented property to initiate eviction proceedings against the lessee, tenant, or renter upon receipt in the inspecting officer's report of evidence that unlawful activity has occurred or is occurring during the lease term. Requires the Chief of Police to adopt rules pursuant to HRS Chapter 91 to implement the new law. Requires the Chief of Police to submit an annual report to the City Council regarding the HPD agent designations.

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