SUMMARY OF PROPOSED COMMITTEE DRAFT:

Bill 13 (2025)
RELATING TO REAL PROPERTY.

The PROPOSED CD1 makes the following amendments:

A. Amends SECTION 2 of the bill by amending the proposed ROH Section 41-__ as follows:

1. Amends the proposed ROH Section 41-__.1 by adding a definition of "Chief of Police," "Department Information," "Premises," "Public Nuisance Related to Public Health and Morals," "Nuisance," "Real Property Interest Holder," and "Right to Inspect."

2. Amends the proposed ROH Section 41-__.1 by removing the definition for "Consent."

3. Amends the proposed ROH Section 41-__.2(a) by replacing the provisions allowing the Honolulu Police Department to act as an agent of an owner or landlord of private property with an authorization allowing the Honolulu Police Department to escort an owner or landlord of private property during the inspection of the property for nuisance, pursuant to the terms of the rental agreement.

4. Amends the proposed ROH Section 41-__.2(b) by making conforming changes to match the escorting amendments from subsection (a), require the entire request form be sworn, remove subdivision (2) related to the duration of agency, and renumber subsequent subdivisions accordingly.

5. Amends the proposed ROH Section 41-__.2(c) by making conforming changes to match the escorting amendments from subsection (a) and explicitly permit a lessee or renter to withhold consent as provided in the lease, rental agreement, or HRS Chapter 521.

6. Amends the proposed ROH Section 41-__.2(d) by making conforming changes to match the escorting amendments in subsection (a), clarify that the police may document any violations of law, unsafe conditions, or violations of the lease or rental agreement, and removing subdivision (3) relating to investigation of plain view violation of law.

7. Replaces the proposed ROH Section 41-__.2(e) by replacing the language in the subsection, relating to eviction proceedings, with a new language stating that nothing in the proposed ROH section limit preexisting law enforcement powers.

8. Adds a new ROH Section 41-__.3 authorizing the chief of police to provide department information regarding a nuisance to a real property interest holder in the premises, and renumbers subsequent subsections accordingly.

9. Amends renumbered ROH Section 41-__.5 by making conforming changes to match the escorting amendments from subsection (a).

B. Makes miscellaneous technical and nonsubstantive amendments.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **13 (2025), CD1**
PROPOSED

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.

Chief of Police. The chief of police of the Honolulu police department or the chief's designee.

Department. The Honolulu police department.

Department Information. Any data, records, reports, or details collected, maintained, or disseminated by the department in the course of its duties.

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.

Premises. Has the same meaning as defined in HRS § 708-800.

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.

A BILL FOR AN ORDINANCE

Public Nuisance Related to Public Health and Morals or ***Nuisance.*** A building, premises, or a place used for offenses prohibited under HRS Chapter 712, Part I, Part II, or Part III, not including social gambling as defined in HRS § 712-1231(a), and Part IV.

Real Property Interest Holder. Any individual or entity that has a recognized legal right or claim to real property, including but not limited to owners, landlords, tenants, mortgagor's insurer, leasehold, or easement rights.

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.

Right to Inspect. An owner or landlord of private property's right to access, enter, or inspect the private property as provided by the lease, rental agreement, or HRS Chapter 521.

§ 41-__.2 Inspection of private property by a police officer for nuisance.

(a) *Authority.* An owner or landlord of private property with the right to inspect may request the department to escort the owner or landlord during the inspection of the property for nuisance, pursuant to the terms of the rental agreement. The request must be submitted to the department by the owner or landlord in writing. The chief of police may approve or deny the request. If the request is approved by the chief of police, a police officer may escort the owner or landlord to inspect the property as provided by the right to inspect in accordance with subsection (c).

(b) *Request form*. The request must be sworn on a form provided by the department that includes:

(1) The address of the private property;

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

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

(4) A 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 nuisance that has occurred or that may be occurring on the property; and

(5) A request that a police officer be allowed to enter the property with the owner or landlord.

(c) *Inspection supported by police officer.* A police officer authorized to escort the owner or landlord pursuant to a request granted under subsection (a) may escort the owner or landlord during the inspection of the real property; provided that the inspection complies with the lease, rental agreement, or HRS Chapter 521. The lessee or renter may withhold consent as provided in the lease, rental agreement, or HRS Chapter 521.

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

(1) At the owner's or landlord's request, warn persons not specifically authorized to be present in the lease or rental agreement to leave and not return pursuant HRS § 708-814; and

(2) Document any violations of law, unsafe conditions, or violations of the lease or rental agreement.

(e) *Limitations*. Nothing in the section shall be interpreted to limit preexisting law enforcement powers.

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

§ 41-__.3 Powers of the Chief of Police to share information.

(a) *Authority*. The chief of police may provide department information regarding a nuisance to a real property interest holder in the premises.

(b) *Scope*. The chief of police must determine that providing department information will assist a real property interest holder in private action to decrease the nuisance and will not compromise any department investigations.

(c) *Redaction*. Personal data that could compromise an individual's privacy or safety shall only be disclosed in accordance with applicable privacy laws and must redacted whenever possible.

(d) *Restrictions*. Any sharing of department information must comply with federal, State, and local laws.

§ 41-__.4 Rules.

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

§ 41-__.5 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 requests under § 41-__.2(a) that were received by the department; the number of those requests 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:

Andria Tupola

Tyler Dos Santos-Tam

DATE OF INTRODUCTION:

January 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; HRS Chapter 521; Honolulu Police Department ("HPD"); Escort; Report; Information Sharing; HRS Section 708-814; Rulemaking Authority

Description:
Allows an owner or landlord of private real property to request that HPD escort the owner or landlord during the inspection of the property for nuisance, in accordance with the agreement concerning the use and occupancy of a private property or property and subject to approval by the Chief of Police. Requires the owner or landlord to provide a sworn statement to request a HPD escort. 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, and to document any violations of law, unsafe conditions, or violation of the lease or rental agreement. Authorizes the Chief of Police to provide HPD information regarding a nuisance to a real property interest holder in the premises. 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.