

JAN 28 2009

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# A BILL FOR AN ACT

RELATING TO DISCRIMINATION IN REAL PROPERTY TRANSACTIONS.

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

1           SECTION 1. The legislature finds that one out of every  
2 seven people in Hawaii have an animal as a companion or as part  
3 of their ohana. Yet about one hundred thousand animal  
4 companions are euthanized each year, many because their owners  
5 are forced to surrender their animal companions because their  
6 housing does not permit them. Courts are being clogged with  
7 eviction proceedings for those who have animals, and many  
8 families are homeless because of those evictions. All these  
9 factors contribute to millions of taxpayer dollars that could be  
10 saved.

11           The purpose of the Act is to prohibit landlord-tenant  
12 agreements from prohibiting pets in dwelling units.

13           SECTION 2. Chapter 521, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:



1            "§521-    Landlord's no pet clause prohibited.  A provision  
2 in a rental agreement or any rule or practice prohibiting a  
3 tenant from having a pet on the premises is void."

4            SECTION 3.  Section 521-51, Hawaii Revised Statutes, is  
5 amended to read as follows:

6            **"§521-51  Tenant to maintain dwelling unit.**  Each tenant  
7 shall at all times during the tenancy:

- 8            (1)  Comply with all applicable building and housing laws  
9                materially affecting health and safety;
- 10            (2)  Keep that part of the premises which the tenant  
11                occupies and uses as clean and safe as the conditions  
12                of the premises permit;
- 13            (3)  Dispose from the tenant's dwelling unit all rubbish,  
14                garbage, and other organic or flammable waste in a  
15                clean and safe manner;
- 16            (4)  Keep all plumbing fixtures in the dwelling unit or  
17                used by the tenant as clean as their condition  
18                permits;
- 19            (5)  Properly use and operate all electrical and plumbing  
20                fixtures and appliances in the dwelling unit or used  
21                by the tenant;



1 (6) Not permit any person on the premises with the  
2 tenant's permission to wilfully destroy, deface,  
3 damage, impair, or remove any part of the premises  
4 which include the dwelling unit or the facilities,  
5 equipment, or appurtenances thereto, nor oneself do  
6 any such thing;

7 (7) Keep the dwelling unit and all facilities, appliances,  
8 furniture, and furnishings supplied therein by the  
9 landlord in fit condition, reasonable wear and tear  
10 excepted; ~~and~~

11 (8) Comply with all obligations, restrictions, rules, and  
12 the like which are in accordance with section 521-52  
13 and which the landlord can demonstrate are reasonably  
14 necessary for the preservation of the property and  
15 protection of the persons of the landlord, other  
16 tenants, or any other person[-]; and

17 (9) Obey all laws and ordinances regarding domestic  
18 animals kept as pets on the premises."

19 SECTION 4. Section 521-67, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 "[+]§521-67[+] **Tenant's remedy for failure by landlord to**  
22 **disclose[-], or allow pets.** If the landlord fails to comply



1 with any disclosure requirement specified in section 521-43  
2 within ten days after proper demand therefor by the tenant, the  
3 landlord shall be liable to the tenant for \$100 plus reasonable  
4 attorney's fees.

5 (b) If the landlord prohibits a tenant or prospective  
6 tenant from having a pet on the premises, the landlord shall be  
7 liable to the tenant or prospective tenant for an amount equal  
8 to one month's rent plus reasonable fees and costs. A tenant or  
9 prospective tenant may commence an action in the small claims  
10 division of the district court, as provided in chapter 633 and  
11 the rules of court thereunder, to adjudicate the matter. In any  
12 such action, neither the landlord nor the tenant may be  
13 represented by an attorney, including salaried employees of the  
14 landlord or tenant."

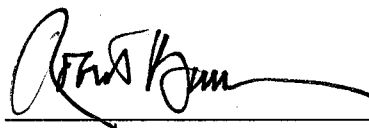
15 SECTION 5. If any provision of this Act, or the  
16 application thereof to any person or circumstance is held  
17 invalid, the invalidity does not affect other provisions or  
18 applications of the Act, which can be given effect without the  
19 invalid provision or application, and to this end the provisions  
20 of this Act are severable.

21 SECTION 6. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.

1 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
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**Report Title:**

Real Property Transactions; Animal Companions

**Description:**

Prohibits landlord-tenant agreements from having no pet clauses.

