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## A BILL FOR AN ACT

RELATING TO ANIMALS.

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

1           SECTION 1. Section 521-44, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:

3           "(a) As used in this section "security deposit" means  
4 money deposited by or for the tenant with the landlord to be  
5 held by the landlord to:

6           (1) Remedy tenant defaults for accidental or intentional  
7 damages resulting from failure to comply with section  
8 521-51, for failure to pay rent due, or for failure to  
9 return all keys furnished by the landlord at the  
10 termination of the rental agreement;

11           (2) Clean the dwelling unit or have it cleaned at the  
12 termination of the rental agreement so as to place the  
13 condition of the dwelling unit in as fit a condition  
14 as that which the tenant entered into possession of  
15 the dwelling unit; [~~and~~]

16           (3) Compensate for damages caused by a tenant who  
17 wrongfully quits the dwelling unit[~~-~~]; and



1       (4) Pay for damages caused by any animal allowed to reside  
2           in the premises pursuant to the rental agreement.

3       (b) The landlord may require as a condition of a rental  
4 agreement a security deposit to be paid by or for the tenant for  
5 the items in subsection (a) and no others, in an amount not in  
6 excess of a sum equal to one month's rent[-] plus an amount  
7 agreed upon by the landlord and tenant to allow any animal to  
8 reside in the premises pursuant to the rental agreement. The  
9 landlord may not require or receive from or on behalf of a  
10 tenant at the beginning of a rental agreement any money other  
11 than the money for the first month's rent and a security deposit  
12 as provided in this section. [~~The~~] No part of the security  
13 deposit shall [~~not~~] be construed as payment of the last month's  
14 rent by the tenant, unless mutually agreed upon, in writing, by  
15 the landlord and tenant if the tenant gives forty-five days'  
16 notice of vacating the premises; in entering such agreement, the  
17 landlord shall not be deemed to have waived the right to pursue  
18 legal remedies against the tenant for any damages the tenant  
19 causes. Any such security deposit shall be held by the landlord  
20 for the tenant and the claim of the tenant to the security  
21 deposit shall be prior to the claim of any creditor of the



1 landlord, including a trustee in bankruptcy, even if the  
2 security deposits are commingled."

3 SECTION 2. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Jeanne Wooley*

JAN 24 2013



# H.B. NO. 1315

**Report Title:**

Residential Landlord-Tenant Code; Security Deposits; Damages by Animals

**Description:**

Amends the residential landlord-tenant code to provide for security deposits that include an additional sum to pay for damages caused by any animal allowed to reside in the premises pursuant to the rental agreement.

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

