
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) Compensate for damages caused by any animal, other
2 than a service animal, allowed to reside in the
3 premises pursuant to the rental agreement.

4 (b) The landlord may require as a condition of a rental
5 agreement a security deposit to be paid by or for the tenant for
6 the items in subsection (a) and no others, in an amount not in
7 excess of a sum equal to one month's rent[-] plus an amount
8 agreed upon by the landlord and tenant to compensate the
9 landlord for any damages caused by any animal allowed to reside
10 in the premises pursuant to the rental agreement; provided that
11 no landlord shall require any additional security deposit amount
12 for a service animal as defined in section 515-3 that is a
13 reasonable accommodation for a tenant with a disability under
14 section 515-3. The landlord may not require or receive from or
15 on behalf of a tenant at the beginning of a rental agreement any
16 money other than the money for the first month's rent and a
17 security deposit as provided in this section. [~~The~~] No part of
18 the security deposit shall [~~not~~] be construed as payment of the
19 last month's rent by the tenant, unless mutually agreed upon, in
20 writing, by the landlord and tenant if the tenant gives forty-
21 five days' notice of vacating the premises; in entering such
22 agreement, the landlord shall not be deemed to have waived the



1 right to pursue legal remedies against the tenant for any
2 damages the tenant causes. Any such security deposit shall be
3 held by the landlord for the tenant and the claim of the tenant
4 to the security deposit shall be prior to the claim of any
5 creditor of the landlord, including a trustee in bankruptcy,
6 even if the security deposits are commingled."

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 November 1, 2013.



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, other than a service animal, allowed to reside in the premises pursuant to the rental agreement. Effective November 1, 2013. (HB1316 HD1)

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

