
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 a pet animal allowed to
2 reside in the premises pursuant to the rental
3 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 allow one or more pet
9 animals to reside in the premises pursuant to the rental
10 agreement, if applicable; provided that no landlord shall
11 require any additional security deposit amount for an assistance
12 animal that is a reasonable accommodation for a tenant with a
13 disability under section 515-3. The landlord may not require or
14 receive from or on behalf of a tenant at the beginning of a
15 rental agreement any money other than the money for the first
16 month's rent and a security deposit as provided in this section.
17 [The] No part of the security deposit shall [~~not~~] be construed
18 as payment of the last month's rent by the tenant, unless
19 mutually agreed upon, in writing, by the landlord and tenant if
20 the tenant gives forty-five days' notice of vacating the
21 premises; in entering such agreement, the landlord shall not be
22 deemed to have waived the right to pursue legal remedies against



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

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval;
9 provided that section 1 of this Act shall apply to all rental
10 agreements entered into on or after November 1, 2013.

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Report Title:

Residential Landlord-tenant Code; Security Deposit; Animals

Description:

Permits a landlord to hold a tenant's security deposit for the purpose of paying for damages caused by a pet animal residing in the premises. Authorizes a landlord as a condition of a rental agreement to add to the security deposit an amount for a pet animal to reside in the premises; provided that no landlord shall require any additional security deposit amount for an assistance animal that is a reasonable accommodation for a tenant with a disability. Effective for rental agreements entered into on or after 11/01/2013. (SD1)

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

