

Honolulu, Hawaii

FEB - 7 2013

RE: S.B. No. 328  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 328 entitled:

"A BILL FOR AN ACT RELATING TO ANIMALS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Permit a landlord to hold a tenant's security deposit for the purpose of paying for damages caused by an animal residing in the premises pursuant to the rental agreement; and
- (2) Authorize a landlord, as a condition of a rental agreement, to add to the security deposit an amount for an animal to reside in the premises pursuant to the rental agreement.

Your Committee received testimony in support of this measure from the Hawaiian Humane Society, West Hawaii Humane Society, Hawai'i Association of REALTORS, Equine 808 Horse Rescue, and twenty-five individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Hawai'i Civil Rights Commission and the Disability and Communication Access Board.

Your Committee finds that the current landlord-tenant code permits a landlord to collect a security deposit in an amount not to exceed one month's rent. Because of the current limit on



security deposits, many landlords refuse to rent to pet owners. Your Committee further finds that this measure would permit the use of pet deposits in rental agreements, thus ensuring that landlords will be compensated for any damage done to a rental unit by a pet animal. In addition to addressing potential financial concerns of landlords related to pet animals in rental units, this measure will also permit more pet-friendly rental opportunities.

Your Committee additionally finds that federal and state fair housing laws require landlords and other housing providers to provide reasonable accommodations for a person with a disability, including the use of an assistance animal. Assistance animals are not pets; rather they are animals that work, perform tasks, or provide assistance or support for the benefit of a person with a disability. Because landlords are not permitted to require a fee or security deposit as a condition of allowing a tenant to keep an assistance animal, an amendment to this measure is necessary.

Your Committee notes that rental agreement forms need time to be updated in conformance with the requirements of this measure, therefore an amendment to the effective date of this measure is also necessary.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the amendments related to security deposits permitted by this measure are for pet animals;
- (2) Clarifying that no landlord shall require a security deposit for an assistance animal that is a reasonable accommodation for a tenant with a disability; and
- (3) Inserting a provision into the effective date of this measure to specify that section 1 of this measure shall apply to all rental agreements entered into on or after November 1, 2013.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 328, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 328, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,

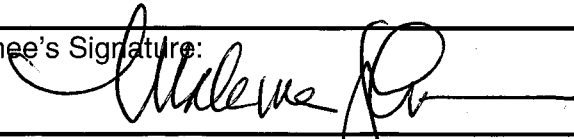


ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 328	CPN	2-1-13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
GALUTERIA, Brickwood (VC)				✓
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			
TANIGUCHI, Brian T.				✓
WAKAI, Glenn	✓			
SLOM, Sam				✓
<b>TOTAL</b>	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes