

SB 328

Measure Title: RELATING TO ANIMALS.

Report Title: Residential Landlord-tenant Code; Security Deposit; Animals

Description: Allows a landlord to hold a tenant's security deposit for the purpose of paying for damages caused by an animal residing in the premises.
Authorizes 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.

Companion:

Package: None

Current Referral: CPN

Introducer(s): HEE

<u>Sort by</u> <u>Date</u>		Status Text
1/18/2013	S	Introduced.
1/18/2013	S	Passed First Reading.
1/22/2013	S	Referred to CPN.
1/25/2013	S	The committee(s) on CPN has scheduled a public hearing on 02-01-13 8:30AM in conference room 229.



HAWAI'I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 1, 2013
Rm. 229, 8:30 a.m.

To: The Honorable Rosalyn Baker, Chair
Members of the Senate Committee on Commerce and Consumer Protection

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai'i Civil Rights Commission

Re: S.B. No. 328

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai'i's laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai'i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

S.B. No. 328 amends the landlord-tenant code to specifically allow a landlord to require a security deposit to pay for damages caused by an animal allowed to reside in a rental unit as a condition of a rental agreement.

The HCRC will not oppose S.B. No. 328 *only if* it is amended to clarify that a landlord may not require a security deposit for an animal that is a reasonable accommodation for a tenant with a disability under HRS § 515-3(9).

Both federal and state fair housing laws require landlords and other housing providers provide reasonable accommodations in rules, policies, practices, or services when such accommodations are necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. Under both state and federal fair housing laws, a reasonable accommodation for a person with a disability can include the use of an assistance animal.

Pursuant to HUD's Handbook regarding subsidized multifamily housing programs and HCRC policy, a landlord may not require an applicant or tenant to pay a fee or a security deposit as a condition of allowing the applicant or tenant to keep the assistance animal. (See attached HUD Handbook 4350.3 § 2-44(E) and HCRC information sheet.)

In order to avoid conflict with federal and state fair housing laws, the HCRC suggests the following amendment to the draft language § 521-44(b) proposed in S.B. No. 328:

(b) The landlord may require as a condition of a rental agreement a security deposit to be paid by or for the tenant for the items in subsection (a) and no others, in an amount not in excess of a sum equal to one month's rent [–] plus an amount agreed upon by the landlord and tenant to allow one or more animals to reside in the premises pursuant to the rental agreement, if applicable. **The landlord may not require a security deposit for an animal that is a reasonable accommodation under section 515-3, HRS.** The landlord may not require or receive from or on behalf of a tenant at the beginning of a rental agreement any money other than the money for the first month's rent and a security deposit as provided in this section.

If the bill is amended in this manner to make it clear that it does not conflict with the reasonable accommodation requirements of federal and state fair housing laws, the HCRC will not oppose it. If not, the HCRC will oppose amendment of the landlord-tenant code a way which could be interpreted to conflict with protections for persons with disabilities under fair housing law.

Thank you for your consideration.

**HUD Handbook 4350.3:
Occupancy Requirements of Subsidized
Multifamily Housing Programs**

Example – Reasonable Accommodation that Does Not Create an Undue Financial and Administrative Burden

An applicant with a mobility impairment wants to live in a dwelling unit in a particular rental housing property. The owner requires all tenants to hand-deliver their rent to the rental office. The unit is almost a block away from the rental office, but there is a mailbox located just a few yards from the unit entry door. Under 24 CFR 100.204, the owner or manager of an apartment complex must permit the applicant to mail the rent payment to the rental office. This policy accommodation would not pose an undue financial and administrative burden on the owner and allows the applicant to have equal opportunity to use and enjoy the unit.

- E. For other guidance on how to determine whether a reasonable accommodation would result in an undue financial and administrative burden, refer to HUD Handbook 4350.1, *Multifamily Asset Management and Project Servicing*.

2-44 Assistance Animals as a Reasonable Accommodation

- A. Assistance animals are not pets. They are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, or animals that provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals – often referred to as "service animals," "assistance animals," "support animals," or "therapy animals" – perform many disability-related functions, including but not limited to guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support.
- B. A housing provider may not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some, but not all, animals that assist persons with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and, in some cases, no special training is required. The question is whether or not the animal performs the disability-related assistance or provides the disability-related benefit needed by the person with the disability.
- C. A housing provider's refusal to modify or provide an exception to a "no pets" rule or policy to permit a person with a disability to use and live with an assistance animal would violate Section 504 of the Rehabilitation Act and the Fair Housing Act unless:
1. The animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation,

2. The animal would cause substantial physical damage to the property of others,
 3. The presence of the assistance animal would pose an undue financial and administrative burden to the provider, or
 4. The presence of the assistance animal would fundamentally alter the nature of the provider's services.
- D. The fact that a person has a disability does not automatically entitle him or her to an assistance animal. There must be a relationship between the person's disability and his or her need for the animal.
- E. A housing provider may not require an applicant or tenant to pay a fee or a security deposit as a condition of allowing the applicant or tenant to keep the assistance animal. However, if the individual's assistance animal causes damage to the applicant's unit or the common areas of the dwelling, at that time, the housing provider may charge the individual for the cost of repairing the damage if the provider regularly charges tenants for any damage they cause to the premises.

Subsection 5: Additional Fair Housing Act Requirements

2-45 Fair Housing Act Basic Accessibility Requirements

The Fair Housing Act requires that all buildings designed and constructed for first occupancy after March 13, 1991 meet certain basic accessibility requirements. This requirement applies to all new construction, regardless of the presence of federal financial assistance. See 24 CFR 100.205. Owners of properties that should have been constructed in accordance with these requirements but were not, are obligated to retrofit their units to bring them into compliance with the Act. If a tenant in one of these properties requests modifications to a unit that should have been made at the time of construction, the owner has an affirmative obligation to make and pay for those modifications as part of its original obligation to conform to the Fair Housing Act design and construction requirements.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 · FAX: 586-8655 · TDD: 568-8692

ASSISTANCE ANIMALS AS A REASONABLE ACCOMMODATION IN HOUSING

WHAT IS A “REASONABLE ACCOMMODATION”?

Hawai‘i law^{*} and the federal Fair Housing Act^{**} require housing providers to make reasonable accommodations in rules, policies, practices, or services when such accommodations are necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. A requested accommodation is necessary if it is related to the person’s disability and ameliorates the effects of a disability to allow the person equal use and enjoyment of the dwelling.

A person with a disability may request the use of an assistance animal as a reasonable accommodation. Such an accommodation may involve making an exception to a “no pets” or “no animals” rule.

WHO IS A PERSON WITH A DISABILITY?

A person with a disability is an individual who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment, including persons who have HIV or AIDS. The term does not include current use of or addiction to a controlled substance, or alcohol or drug abuse that threatens the property or safety of others. Reasonable accommodations are not required for individuals who are solely regarded as having an impairment.

“Physical or mental impairment” includes, but is not limited to, such conditions, diseases, and infections, such as: orthopedic, visual, speech and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; AIDS and HIV infections or seropositivity; cancer; heart disease; diabetes; alcoholism; mental retardation; emotional and mental illness; post traumatic stress disorder; anxiety disorder; specific learning disabilities; and developmental disabilities.

WHAT IS AN ASSISTANCE ANIMAL?

Assistance animals are not pets. They are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability. They can also be animals that provide emotional support that alleviates one or more symptoms or effects of a person’s disability.

“Assistance animals” is a broad term that includes “service animals”, “support animals”, “therapy animals”, and “comfort animals”. These animals can perform many disability related functions, including but not limited to: guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support or comfort.

DOES AN ASSISTANCE ANIMAL NEED TO BE CERTIFIED OR FORMALLY TRAINED?

No. There is no federal, state, or county certification for assistance animals. Some, but not all, assistance animals are formally trained. Other assistance animals are trained by their owners. In some cases no special training is required. For example, emotional support animals by their very nature, and without training, may relieve depression or anxiety, or help reduce stress-induced pain in persons with certain medical conditions affected by stress.

^{*} Hawai‘i Revised Statutes (H.R.S) § 515-3(9) and Hawai‘i Administrative Rules (H.A.R) § 12-46-306(a)(3).

^{**} 42 U.S.C. §§ 3601 – 3619.

WHAT SHOULD A HOUSING PROVIDER DO WHEN A PERSON REQUESTS THE USE OF AN ASSISTANCE ANIMAL AS A REASONABLE ACCOMMODATION?

Once a person makes a request for an assistance animal as an accommodation, the housing provider must engage in an interactive process with that person to determine if the accommodation can be made. In the interactive process, the housing provider may:

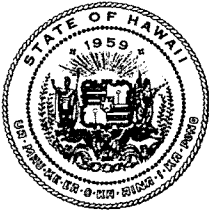
- 1) Request information necessary to establish that the person is disabled, if the disability is not apparent.
- 2) Request information to establish the need for the use of the assistance animal to afford the person equal use and enjoyment of the housing accommodation. A health care provider's note containing this information is generally adequate, although not always required. The housing provider may not demand detailed medical records or information. For a companion or support animal, any of the following are sufficient: a note from the person's treating physician, psychiatrist, psychologist, other mental health professional, or social worker establishing that the individual has a disability and the animal provides support and alleviates the effect(s) of the person's disability. Particularly in the case of an emotional support animal, there is no specific language or term necessary from the health care provider to establish the relationship between the disability and the need for the animal.
- 3) Deny the request if the use of a particular assistance animal poses a direct threat to the health or safety of others or results in actual (not speculative) damage to the property, unless the damage can be eliminated or substantially reduced. Denial of the use of a particular animal does not preclude a request to use a different animal.
- 4) Deny the request if the use of the assistance animal poses an undue financial and administrative burden, or fundamentally alters the nature of the housing provider's operation.

CAN REASONABLE RESTRICTIONS BE ESTABLISHED ON THE USE OF AN ASSISTANCE ANIMAL?

Yes. Housing providers may establish reasonable restrictions on the use of an assistance animal.

Examples of reasonable restrictions are:

- 1) Having the animal licensed with the county, if licensing is required by the county.
- 2) Having the animal vaccinated, with documentation of the vaccination.
- 3) Having the animal registered with the housing provider.
- 4) Having the animal meet minimum sanitary standards.
- 5) Requiring pick up of solid waste.
- 6) Having the animal under the control of its handler by use of a harness, leash, tether, cage or other physical control. If the nature of the person's disability makes physical control impracticable, or if physical control would interfere with the assistance that the animal provides, the housing provider may require that the animal be otherwise under the control of its handler, by voice control, signals, or other effective means.
- 7) Having the person assume responsibility for damages caused by the animal. However, because assistance animals are not "pets", they may not be subject to deposits, fees, surcharges or liability insurance imposed on pet owners. There may be limited exceptions with regards to insurance.
- 8) Having the person clean the dwelling upon vacating, by fumigation, deodorizing, professional carpet cleaning, or other appropriate methods, at his or her expense.



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 1, 2013

TESTIMONY TO THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senate Bill 328 – Relating to Animals

The Disability and Communication Access Board (DCAB) takes no position on Senate Bill 328 – Relating to Animals but offers comments. This bill allows a landlord to hold a tenant's security deposit for the purpose of paying for damages caused by an animal residing in the premises. It also authorizes 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.

Under the Federal Fair Housing Act (FHA), an animal that functions as a reasonable accommodation for a person with a disability is permitted to reside in the premises with person with a disability who provides a doctor's verification of disability and need for the animal. In such a situation, the animal is not a "pet" and the person with a disability cannot be charged more than the security deposit for the animal to reside in the premises.

DCAB suggests an amendment to the bill. There should be a mechanism to include an exemption from paying any amount in additional security deposit for the person with a disability who has an animal as a reasonable accommodation to reside in the premises. If any animal causes damage to a unit, the handler of the animal is responsible to pay for the repairs or damage caused by the animal and for cleaning the apartment so it is sanitary for a new tenant to occupy.

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG
Chairperson

FRANCINE WAI
Executive Director



Hawaiian Humane Society

People for animals. Animals for people.

2700 Waiālae Avenue Honolulu, Hawaii 96826
808.946.2187 • hawaiianhumane.org

To: Senator Rosalyn H. Baker, Chair of the Committee on Commerce and Consumer Protection, Senator Brickwood Galuteria, Vice Chair, and Committee Members

Senate Committee on Commerce and Consumer Protection (CPN)
February 1, 2013, 8:30 am, Room 229

Submitted by: Jennifer J. Han, Policy Advocate
Hawaiian Humane Society, jhan@hawaiianhumane.org

Date: January 30, 2013

**RE: Support SB328;
Relating to Animals; Residential Landlord-Tenant Code**

The Hawaiian Humane Society supports the passage of Senate Bill 328 as it provides the opportunity for more pet-friendly housing in the Hawaii community.

Pursuant to a 2012 Ward Research study commissioned by the Hawaiian Humane Society, on Oahu, the population of cats and dogs has steadily risen to the point where there are now more pets residing in Oahu than there are school-aged children. That means, there are currently more than 700,000 cats and dogs. Nearly 60% of Oahu households have at least one pet. With an estimated 265,000 dogs in Oahu homes, ownership has more than doubled from 20 to 45 percent of homes. With this continuing growth of pets in the community, appropriate housing continues to be limited. This bill will, in effect, allow more pet-friendly opportunities as it will address the financial concerns by landlords and property owners alike of pet-related issues.

The one amendment we recommend is to set a maximum limit on the amount of the pet deposit as it currently reads as open-ended. We believe a pet security deposit of no more than one month's rent is reasonable.

Thank you for the opportunity to testify in support of SB 328 as it relates to pets in housing. On behalf of the Hawaiian Humane Society, I ask for your support in passing this measure.

SB328

SB328

Submitted on: 1/29/2013

Testimony for CPN on Feb 1, 2013 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Menacho	West Hawaii Humane Society	Support	No

Comments: Keep pets and people together. Encourage pet-friendly housing. I also own rental properties and feel that this would help owners be more open to allowing animals to reside in their rental properties. Mahalo

SB 328

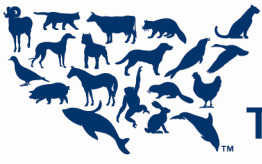
SB328

Submitted on: 1/29/2013

Testimony for CPN on Feb 1, 2013 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ginger Towle	West Hawaii Humane Society	Support	No

Comments: A persons pet is part of their family and in some cases it may be their only family. The benefits of pet ownership is well established and we must make sure that the importance of this relationship is honored and respected.



THE HUMANE SOCIETY
OF THE UNITED STATES

TO: Honorable Chair Baker, Vice-Chair Galuteria and Committee Members

Senate Consumer Protection Committee, 2-1-13, 830am, Rm. 229

RE: In STRONG SUPPORT OF SB328; Relating to Pet Rental Deposits

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States,
P.O. Box 89131, Honolulu, HI 96830, igibson@hsus.org, 808-922-9910

On behalf of our members and supporters of The Humane Society of the United States in Hawaii, we thank you for the opportunity to speak in strong support of SB328; Relating to Pet Deposits.

This modest but necessary measure would simply allow landlords/property managers to work with tenants in providing for a pet deposit, in a mutually determined amount, to cover any necessary damages related to the pet. The intent of this measure is to:

- **Keep pets and people together.** More than 60 percent of Hawaii households own pets, however with the housing crisis it is extremely difficult to find affordable housing, let alone affordable housing that allows pets.
- **Reduce intake/surrender of pets to local animal care and rescues, and with that, reduce animal care and control costs.** Many pet animals who are surrendered to local humane societies and rescue organizations are given up solely due to housing issues.
- **Encourage responsible pet ownership** by providing landlords/property managers a means of collecting a security deposit for damages caused by irresponsible pet owners.
- **Promote the human-animal bond and the treatment of pets as family members.** There are many who, unable to find housing, do not have a pet although we know that pets can improve human lives in many ways, including promoting a healthier lifestyle. The availability of pet-friendly rentals is a direct reflection of a community/states' concern and compassion in considering pets as member of the family to be cared for.


Furthermore a plethora of resources are available to help property managers and pet owners alike. Please visit these links for more information :


http://www.humaneociety.org/animals/resources/tips/renting_with_pets.html


http://www.humaneociety.org/animals/resources/tips/rental_manager_resources.html

We understand that the Hawaii Association of Realtors supports this measure with a minor amendment to add an extended effective date so they may revise their landlord-tenant contracts. We support this amendment and respectfully urge your support of this measure.



 | 808-733-7060

 | 1259 A'ala Street, Suite 300
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February 1, 2013

The Honorable Rosalyn H. Baker, Chair

Senate Committee on Commerce and Consumer Protection
State Capitol, Room 229
Honolulu, Hawaii 96813

RE: S.B. 328, Relating to Animals

HEARING: Friday, February 1, 2013 @ 8:30 a.m.

Aloha Chair Baker, Vice Chair Galuteria, and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,000 members. HAR **supports** on S.B. 328 which allows a landlord to hold a tenant's security deposit for the purpose of paying for damages caused by an animal residing in the premises and authorizes 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.

The use of pet deposits is to ensure that the landlord will be compensated for any damage done to a rental unit by a pet (urine stains, scratches, rips or other damage). The negotiated amount of a pet deposit will depend on varying situations such as number of pets, the size of the pets, the type of pet or if the pet seems properly trained. Some landlords will ask to see the pets before making a decision.

HAR notes that the Rental Agreement contains information on pets and we respectfully **request an effective date of November 1, 2013 to allow time for HAR's form revisions in conformance with this measure.**

Mahalo for the opportunity to testify.



Submitted By	Organization	Testifier Position	Present at Hearing
Betina Parker	Equine 808 Horse Rescue	Support	Yes

Daisy C. Yamada CPM®, CCIM, MBA
PO Box 8576
Honolulu, HI 96830
Phone/Fax: 949-6200
Cell: 728-2280
e-mail: daisyyamada@hawaii.rr.com

January 30, 2013

To: The Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor

From: Daisy C. Yamada

Re: S.B. No. 328 Relating to Pet Deposits in Rental Agreements,
Security Deposit applied to pet damages

I write in SUPPORT of S.B. 328 which provides for a tenants's rental security deposit to pay for damages caused by an animal allowed to reside in the premises, and which provides for Landlord and Tenant to agree to an amount to allow one or more animals to reside in the premises, which amount is in addition to the security deposit.

I am a Realtor®, a Certified Property Manager (CPM®), a Certified Commercial Investment Member (CCIM®) and a past president of the Hawaii Chapter of the Institute of Real Estate Management. Commercial property management was my profession of choice until I chose to focus on residential property management in my current semi-retirement.

I am also a member of the Yorkshire Terrier Club of Hawaii, the Yorkshire Terrier Club of America, the Tropical Toy Dog Fanciers of Hawaii, the Windward Hawaiian Dog Fanciers Association and the Obedience Training Club of Hawaii.

S.B. 328 will allow Landlords to make favorable decisions in allowing pets in a rental property in cases where a decision may be marginal. I have found that many pet owners can be more conscientious and respectful of property than the usual tenant because they do not want to risk losing favorable accommodations.

Thank you for your support of renters and pet lovers.

January 28, 2013



The Honorable Senator Rosalyn Baker and Senator Brickwood Galuteria
And the Senate Committee on Commerce and Consumer Protection
State Capitol, Room 229
Honolulu, Hawaii 96813

RE: SB328 Relating to Animals

Aloha Chair Baker, Vice-Chair Galuteria and Members of the Committee,

I am writing In Strong Support of SB328

I am a real estate agent in Central Oahu and hold several leadership positions in the industry. I am speaking as an individual and not for any of the organizations I represent.

Our current Landlord Tenant Code was created to protect consumers when renting a home from landlords who may take advantage of them. The law works quite well in most cases and serves a real need.

There is one area of the law that actually hurts one group of consumers. That is pet owners.

When renting a home, the landlord is allowed to collect one month rent and a security deposit for up to the equivalent of one month rent and not one penny more. Due to the limit on the security deposit a large majority of landlords refuse to rent to pet owners. Currently it is extremely difficult for a pet owner to find a rental that will allow their pet. By simply allowing the landlord and the pet owner to negotiate a pet deposit, to cover potential damages from the pet; additional rental units would become available for pet owners.

Thank you in advance for your support of this needed bill. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Randy Prothero".

Randy Prothero, REALTOR®
Broker-in-Charge
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SB328

Submitted on: 1/28/2013

Testimony for CPN on Feb 1, 2013 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Wolf	Individual	Support	No

Comments: This is long overdue and will only bring Hawaii up to current standards.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

SB328

Submitted on: 1/29/2013

Testimony for CPN on Feb 1, 2013 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ginny Tiu	Individual	Support	No

Comments: Please pass SB 328, to allow people to keep their pets, who are like family members, with them. This also will help to keep down, the number of animals, that the rescue organizations need to find homes for, which are already too many. Thank you. Ginny Tiu

SB328

Submitted on: 1/27/2013

Testimony for CPN on Feb 1, 2013 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Liz Rizzo	Individual	Support	No

Comments: Hawaii is behind the times with animals and renters. Lets take care of our animals and be there voice. thank you.

SB328

Submitted on: 1/27/2013

Testimony for CPN on Feb 1, 2013 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Helene Navaro	Individual	Support	No

Comments: Pet-Friendly Housing is a must in Hawaii. I live in Hawaii over 30 years and this Bill is so very important in helping the animals in Hawaii. We live in Paradise and the animals should have the opportunity to be with their family and family will find more pet friendly available to them with this Bill Passed. Mahalo Nui Loa!

SB328

Submitted on: 1/27/2013

Testimony for CPN on Feb 1, 2013 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn L Knoll	Individual	Support	No

Comments: As much as I love animals, they do make a mess sometimes. This bill absolutely makes sense.

SB328

Submitted on: 1/27/2013

Testimony for CPN on Feb 1, 2013 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Moran	Individual		No

Comments: Please support ths bill offering a very practical way to encourage landlords to responsibly allow renters to have companion animals at thir homes.

SB328

Submitted on: 1/28/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Richelle Thomson	Individual	Support	No

Comments: Pets can cause a significant amount of damage to a rental unit's interior and exterior. The current law does not adequately allow for protection of a landowner's property. I believe that both tenants with pets and landowners wishing to rent to them, but to also be protected, would support such revision to the current law.

SB328

SB328

Submitted on: 1/28/2013

Testimony for CPN on Feb 1, 2013 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Markl	Individual	Support	No

Comments: There are so few places that allow pets and is totally an unnecessary tragedy. Imagine that you felt so close and bonded to someone and that you were told you would have to get rid of them in order to have a basic place to live, that is how wrenching it is for those whose pets are like a loving family member maybe more loving than family. Being together brings vital security to both. Because the vast majority of rentals do not allow this, they are usually torn apart and can result in unnecessary death of the pet because of overpopulation at the HHS. This frequent tragedy is so easily remedied by legalizing it and estimating any possible damages ahead of time and requiring a deposit preferably in installments since especially in a recession people are struggling with employment issues as well as first and last month's rent. For an island that loudly broadcasts aloha to visitors, it's about time and now's the time the lawmakers should do the aloha action for it's residents and beloved pets so aloha and security can start to be felt here. Thank you.

SB328

SB328

Submitted on: 1/28/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Stefanie Delmont	Individual	Support	No

Comments: I strongly urge you to support and pass this. For many their pet is the closest living thing they have; and its importance to the health and well being - physical and mental of individuals - has been documented numerous times. It is especially important for seniors to have this constant in their lives.

SB328

Submitted on: 1/28/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Alice Saul	Individual	Support	No

Comments: Senator Rosalyn H. Baker, Chair, and Senator Brickwood Galuteria, Vice Chair I write you about SB328 to urge its passage. Yes, Yes, Yes. This is a long over-due provision that will broaden the availability of pet-friendly residences for many people who are now prevented from enjoying the great benefit of sharing their homes and their lives with pets. As a real estate broker for over 20 years I've encountered numerous people in the community who were sadly not able to find landlords, or condominium associations who would even consider a negotiated understanding for a dollar amount that could meet concerns about potential damage (in my experience, these were often greatly overstated). Also, as a citizen, my experience has been that persons with pets in their lives tend to be responsible individuals, and usually more content with themselves and more satisfying to be around. Thank you. Aloha, Alice Saul

Theresa Donnelly - SUPPORT

Dear Sen. Baker, Sen. Galuteria and other members of the Committee on Commerce and Consumer Protection,

My name is Theresa Donnelly, and I am a volunteer with many national and local animal nonprofits. Previously, I was an officer with our local Boxer dog club and the owner of Hawaii Military Pets, an online educational resource for Hawaii Military families.

I am writing to you today to express my strong support for SB 328, relating to animals.

Here in Hawaii, it's extremely hard to find pet-friendly rentals. **This is especially important to our transient military community, many of which cannot afford to purchase a home.**

Giving realtors the ability to impose a pet deposit may encourage more to permit pets, leading to less animals dropped off at shelters to an uncertain fate.

This bill is a great step in making Hawaii more pet friendly.

Thank you for your time in reading my testimony.

Theresa Donnelly

SB328

SB328

Submitted on: 1/28/2013

Testimony for CPN on Feb 1, 2013 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
diana pugh	Individual	Support	No

Comments: THIS PASSING WOULD HELP KEEP MANY PETS OUT OF SHELTERS OR HAVING TO BE EUTHANIZED

To: Chair, Vice Chair and Committee Members of the Senate Judiciary Committee
From: Mary James
Date: February 1, 2013

Re: Testimony in support of Senate Bill 328

Senate Bill 328 will increase the availability of residential rentals for people with pet animals. Currently, the law only allows a landlord to require a maximum deposit equal one month's rent. Unfortunately, some pets might cause damage in addition to that covered by the one month amount so some landlords will not allow renters to have pets. This bill will provide a specified pet deposit which will be in addition to the deposit equal to one month's rent. It is not unreasonable to allow for such a deposit so that people with pets can more easily find a rental that will accept them.

The following is a recent article by Lurline Johnson, a member of the Oahu Chapter of the National Association of Residential Property Managers, which points out the difficulties of a law that prohibits pet deposits:

Landlord Tenant Q&A

LURLINE R. JOHNSON (R), ABR, CRB, CRS, GRI, RMP

Property Manager Property Profiles, Inc. Past President, Oahu Chapter
National Association of Residential Property Managers

Q. My landlord gave us approval to bring in a puppy. He said we had to get "renter's insurance" to cover any liability issues which we are okay with. He also said we have to give a non-refundable pet deposit. I am okay with the deposit but not with the "non-refundable" part of it. We have owned pets before and are very diligent with their care and the care of the home. We would be responsible for any damage the pet would make. Any suggestions?

A. Congratulations on being allowed to bring a pet into your rental property – you are definitely the exception to the rule here in Hawaii. The majority of landlords in this state – our company included – are hesitant to allow a pet because we are only allowed to accept a deposit equal to or less than the actual rental amount. The Landlord Tenant Code 521-44 (b) states that "the landlord may not require or receive from or on behalf of a tenant at the beginning of a rental agreement any money other than the money for the first month's rent and security deposit." Some states allow for an additional deposit – whether it is specifically for pets or not – but not Hawaii.

Also any deposit that is collected and held by a landlord for a rental property needs to be fully refundable. The deposit is held to remedy tenant defaults for

accidental or intentional damages to the unit, failure to pay rent, failure to return all keys, cleaning, and compensation for damages caused by a tenant who wrongfully quits the dwelling unit. Within 14 days of a tenant vacating the unit, the landlord will notify the tenant in writing as to what portion of the security deposit is being held – along with documentation such as estimates or invoices for materials and services or for costs of cleaning.

The “renter’s insurance” the landlord is referring to is actually a HO-4 homeowner’s policy that protects a renter and their personal property. The liability insurance provides coverage for sums that you are legally obligated to pay as a result of a suit or claim by others that are injured by you or your belongings (excluding your automobile), family members or pet(s). The policy also has coverage for various other losses, but for this discussion it specifically insures the tenant in the event the pet should bite, hurt, or somehow injure someone on the property. Each company is a little different but the majority will not accept a pet that is considered a “notorious breed.” So when you are picking out that cute little pup you might want to think twice if it is a Pit Bull, Doberman Pinscher, or Rottweiler.

I can’t speak for other landlords but if you were to rent from us and we allowed a pet, you would be required to sign a pet addendum. The addendum specifies such things as the number and size of the pet(s) allowed, whether it will be allowed in the home, that the tenant is responsible for any damage caused by the pet and that the tenant purchase a “renter’s policy.” All these precautions are put in place because – once again – Hawaii law doesn’t allow for a pet deposit – refundable or not.

Answers to questions in Landlord Tenant Q&A are provided by members of the Oahu Chapter of the National Association of Residential Property Managers (NARPM), an organization that supports the professional and ethical practices of rental home management through networking, education, and certification. The Oahu Chapter, founded in 2004, has become the largest in the nation with 166 registered members. Disclaimer: The answers provided in this column by Realtors address individual cases and should not be construed as interpretations of the law. For specific information on Hawaii State Law, go to http://hawaii.gov/dcca/areas/ocp/landlord_tenant or contact an attorney.

Thank you for the opportunity to testify on this measure.

Submitted By	Organization	Testifier Position	Present at Hearing
Kate Butts	Individual	Support	No
Jane Arnold	Individual	Support	No
Gordana Leonard	Individual	Support	No
Ann Marie Kirk	Individual	Support	No
Tina Bounds	Individual	Support	No
Deborah Wilson	Individual	Support	No
Judith Aikawa, MD	Individual	Support	No
David McArthur	Individual	Support	No
Sharon walden	Individual	Support	No
Elizabeth Shoup	Individual	Support	No

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RICKY BAKER	Individual	Oppose	No

Comments: As someone who owns animals, has been a renter, and a landlord, I oppose SB328. I think a security deposit is designed to be used as remedy against non-payment of rent or damages, whatever those damages may be the result of. I believe allowing for an increased security deposit is discriminatory towards pet owners. A tenant is just as apt to damage property regardless of whether they are pet owners or not. Respectfully, Ricky A Baker