
A BILL FOR AN ACT

RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE.

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

1 SECTION 1. The legislature finds that the current
2 definition of security deposit pursuant to the residential
3 landlord-tenant code under chapter 521, Hawaii Revised Statutes,
4 can only be used by a landlord for accidental or intentional
5 damages, cleaning the unit, or compensating for damages caused
6 by a tenant who wrongfully quits the unit.

7 The legislature further finds that tenants typically have
8 other obligations under their rental agreement, such as utility
9 expenses, penalties assessed by condominium associations for
10 violations of house rules, charges for late payment of rent,
11 attorney's fees, and bank charges for checks returned due to
12 insufficient funds. However, these charges, fees, and penalties
13 that are included in the rental agreement do not fall within the
14 scope of the allowable uses of a security deposit.

15 The purpose of this Act is to amend the residential
16 landlord-tenant code to permit the use of the security deposit



1 for all charges agreed to by the tenant and the landlord
2 pursuant to the rental agreement.

3 SECTION 2. Section 521-44, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

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

8 (1) Remedy tenant defaults for [~~accidental~~]:

9 (A) Accidental or intentional damages resulting from
10 failure to comply with section 521-51 [~~, for~~
11 ~~failure~~];

12 (B) Failure to pay rent due [~~, or for failure~~];

13 (C) Failure to return all keys furnished by the
14 landlord at the termination of the rental
15 agreement; or

16 (D) Failure to pay any charges, penalties, or fees
17 owed pursuant to the rental agreement at the
18 termination of the rental agreement;

19 (2) Clean the dwelling unit or have it cleaned at the
20 termination of the rental agreement so as to place the
21 condition of the dwelling unit in as fit a condition



1 as that which the tenant entered into possession of
2 the dwelling unit;

3 (3) Compensate for damages caused by a tenant who
4 wrongfully quits the dwelling unit; and

5 (4) Compensate for damages under subsection (b) caused by
6 any pet animal allowed to reside in the premises
7 pursuant to the rental agreement."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2112.



Report Title:

Residential Landlord-tenant Code; Security Deposit

Description:

Amends the residential landlord-tenant code to allow the security deposit to be used for unpaid charges, penalties, and fees that were agreed to by the landlord and tenant pursuant to the rental agreement. Effective 7/1/2112. (HD1)

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

