

JAN 19 2024

A BILL FOR AN ACT

RELATING TO PET ANIMALS.

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

PART I

SECTION 1. The legislature finds that pet ownership can complicate a pet owner's search for housing. Difficulty obtaining homeowner's insurance, insurance breed restrictions, and expensive pet deposits or pet rent can make it difficult for a pet owner to buy or rent a home. The legislature recognizes that these housing difficulties can lead some pet owners to surrender or rehome their pet animals. This can have a detrimental impact on both the owners and animals and can strain the resources of animal rescue organizations. The legislature also recognizes that persons who are evicted from their housing may be concerned about the safety of their pet animals.

Accordingly, the purpose of this Act is to provide protections for pet owners and pet animals by:

- (1) Prohibiting insurers from refusing to issue, refusing to renew, canceling, or establishing higher rates for a homeowners insurance policy or dwelling fire



- 1 insurance policy based on the breed of any dog that is
2 kept on the premises;
- 3 (2) Requiring any pet animal found on the premises during
4 an eviction to be given to the owner or taken in by an
5 animal control agency;
- 6 (3) Limiting the monetary amount of pet deposits and pet
7 rent; and
- 8 (4) Clarifying that a provision allowing a lien on an
9 animal to secure payment for caring for or feeding the
10 animal does not apply to pet animals.

11 PART II

12 SECTION 2. Chapter 431, Hawaii Revised Statutes, is
13 amended by adding a new part to article 10E to be appropriately
14 designated and to read as follows:

15 "PART . PET ANIMALS

16 §431- Breed restrictions; prohibited. (a) An insurer
17 shall not refuse to issue, refuse to renew, cancel, or establish
18 higher rates for a homeowners insurance policy or dwelling fire
19 insurance policy based on the breed of any dog that is kept on
20 the premises.



1 (b) Notwithstanding subsection (a), an insurer may refuse
2 to issue, refuse to renew, cancel, or establish higher rates for
3 a homeowners insurance policy or dwelling fire insurance policy
4 if a dog kept on the premises has been declared vicious or
5 dangerous by a county law enforcement agency."

6 PART III

7 SECTION 3. Section 356D-64, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "[~~§~~§356D-64[~~§~~] **Eviction.** (a) If the eviction board
10 finds cause to terminate a lease, rental agreement, permit, or
11 license and evict the tenant, the authority shall provide the
12 tenant with a written notice of the authority's decision to
13 terminate the tenancy. The written notice shall inform the
14 tenant that a writ of possession may be issued by the authority
15 within ten business days. The written notice shall also inform
16 the tenant whether the grounds for eviction are curable and, if
17 so, specify the methods to remedy the grounds, timeframe for
18 completion, and documentation required to prove to the authority
19 that the grounds have been remedied.

20 (b) When the grounds for termination of the tenancy may be
21 cured by the tenant, the tenant shall have ten business days



1 from receipt of the written notice under subsection (a) to cure
2 the grounds. If the grounds are cured within the ten-day
3 period, no writ of possession shall be issued. If the grounds
4 are not cured within the ten-day period, the authority may issue
5 a writ of possession.

6 (c) The authority may adopt rules pursuant to chapter 91
7 to define curable and noncurable grounds for eviction. The
8 authority may consider a tenant's history in determining
9 noncurable grounds for eviction. A tenant's history may include
10 chronic or consistent delinquency, or repeated violations of the
11 terms of the lease, rental agreement, permit, or license.

12 (d) Enforcement of the order by a writ of possession shall
13 be effected either by a process server appointed by the
14 authority, who shall have all of the powers of a police officer
15 for all actions in connection with the enforcement of the order,
16 or by a sheriff or any other law enforcement officer of the
17 State or any county, whose duty it shall be to carry out the
18 order. The person enforcing the order shall remove all persons
19 from the premises and put the authority in full possession
20 thereof.



1 (e) Upon eviction, the household goods and personal
2 effects of the tenant against whom the order is entered, and
3 those of any persons using the premises incident to the tenant's
4 holding, may be removed from the premises and stored by the
5 authority. If the action is taken, the authority shall have a
6 lien on the property taken for the expenses incurred by the
7 authority in moving and storing the property, and the authority
8 is authorized to sell or otherwise dispose of the property if
9 unclaimed after thirty days.

10 (f) If any pet animal is found on the premises when the
11 writ of possession is enforced, the person enforcing the order
12 shall:

13 (1) Give the pet animal to the tenant, if the tenant is
14 present or able to be contacted; or

15 (2) Contact the local authority in charge of animal
16 control and allow the authority to remove or secure
17 the pet animal. The landlord shall provide to the
18 authority the tenant's name and contact information,
19 if available, and shall post notice at the premises in
20 a visible place with the name and contact information
21 of the organization where the animal has been taken;



1 provided that no pet animal found during the enforcement of a
2 writ of possession shall be left on the property unattended."

3 PART IV

4 SECTION 4. Chapter 521, Hawaii Revised Statutes, is
5 amended by adding a new section to part II to be appropriately
6 designated and to read as follows:

7 "§521- Pet security deposits and pet rent; limitations.

8 (a) No landlord shall demand or receive from a prospective or
9 current tenant as a condition of permitting a pet animal to
10 reside on the premises:

11 (1) An additional security deposit of more than \$300;
12 provided that any security deposit charged for a pet
13 animal shall be refundable to the tenant on
14 termination of the lease; or

15 (2) Additional pet rent or pet fees in an amount more than
16 \$35 per month, or one and one-half per cent of the
17 tenant's monthly rent, whichever is greater.

18 (b) As used in this section, "pet animal" has the same
19 meaning as defined in section 711-1100."



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PART V

SECTION 5. Section 507-1, Hawaii Revised Statutes, is amended to read as follows:

"§507-1 Animals, lien for care of. (a) Whoever pastures, feeds, or shelters animals by virtue of a contract with or by the consent of the owner of the animals for a compensation agreed upon, has a lien on the animals for pasturing, feeding, or sheltering to secure payment thereof with costs[-]; provided that this section shall not apply to pet animals.

(b) For purposes of this section, "pet animal" has the same meaning as defined in section 711-1100."

PART VI

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 8. This Act shall take effect upon its approval.

INTRODUCED BY: 



S.B. NO. 2564

Report Title:

Pet Animals; Insurance; Pet Deposit; Pet Rent; Eviction; Liens

Description:

Prohibits insurers from refusing to issue, refusing to renew, canceling, or establishing higher rates for a homeowners insurance policy or dwelling fire insurance policy based on the breed of any dog that is kept on the premises. Requires any pet animal found on the premises during an eviction to be given to the owner or taken in by an animal control agency. Limits the monetary amount of pet deposits and pet rent. Clarifies that a provision allowing a lien on an animal to secure payment for caring for or feeding the animal does not apply to pet animals.

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

