

SB-416

Submitted on: 2/6/2025 11:04:46 AM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Heather McVay	Individual	Support	Written Testimony Only

Comments:

This bill will also improve the lives of so many individuals with disabilities that use a service animal or other assistance animal who regularly endure embarrassment, hassle, time delay, and disbelief and distain when requesting an assistance animal as an accommodation.



February 10, 2025

The Honorable Jarrett Keohokalole, Chair

Senate Committee on Commerce and Consumer Protection
State Capitol, Conference Room 229 & Videoconference

RE: Senate Bill 416, Relating to the Residential Landlord-Tenant Code

HEARING: Monday, February 10, 2025, at 9:35 a.m.

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR provides **comments** on Senate Bill 416, which prohibits rental agreements from prohibiting tenants from keeping pet animals in dwelling units, subject to certain conditions.

Rental agreements are negotiated contracts between housing providers and tenants. While tenants may obtain insurance for their pet, housing providers also carry insurance on their property which can become more costly when pets are involved. In some cases, insurance may not cover certain breeds or sizes of pets, or it may require additional premiums. Given these factors, we believe pet ownership should remain a negotiable term between the housing provider and tenant.

Additionally, while this measure clarifies that it does not apply to condominiums or planned community associations where governing documents restrict pets, the absence of a clear provision regarding pets in the rental agreement could create misunderstandings for potential tenants.

Mahalo for the opportunity to provide testimony on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 416, RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE.

BEFORE THE:

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

DATE: Monday, February 10, 2025 **TIME:** 9:35 a.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Christopher T. Han, or Christopher J.I. Leong, Deputy Attorneys
General

Chair Keohokalole and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill prohibits landlords from prohibiting tenants through a rental agreement from keeping pet animals in dwelling units, subject to certain conditions.

The Department recommends inserting a non-impairment savings clause to address any potential legal challenge under the Contract Clause of the United States Constitution. See U.S. Const. art. I, § 10, cl. 1. Residential leases are contractual agreements in nature, and the current wording of the new section to be added by the bill does not account for existing rental agreements that prohibit pets. To mitigate this issue, we recommend inserting a new section after page 3, line 12, to clarify that the language in the bill does not impair existing contracts, to read as follows:

SECTION 3. This Act shall not be applied so as to impair any contract existing as of the effective date of this Act in a manner violative of either the Constitution of the State of Hawaii or article I, section 10, of the United States Constitution.

The current sections 3 and 4 should be renumbered accordingly thereafter.

Thank you for the opportunity to provide comments.

SB-416

Submitted on: 2/7/2025 2:46:43 PM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Victor Brock	Individual	Oppose	Written Testimony Only

Comments:

I am a pet owner with 2 dogs and I strongly oppose this Bill. I am also a landlord. I have had a tenant vacate who kept an unknown quantity of cats in the rental unit. The cats urinated everywhere, and I had to remove and replace the drapes, carpets, all carpet-tack-boards, and an entire bank of kitchen cabinets (half of the kitchen and counter tops) because the cats unriated along side the cabinets and it soaked in. It took me months to get rid of the smell, as the urine had soaked into the concrete floor, and costed over \$10,000 in repairs as well as lost rental revenue during the repair process. No amount of "security deposit" would have covered this. I continue to rent one unit and prohibit pets altogether. I empathize with friends who have pets and who have a difficult time finding available housing, but certain property types (concrete floor, cinder block) lend themselves to pets better than other. Additionally, certain condo associations bylaws and house rules do not allow pets. I think that it a VERY BAD PLAN for the state to try to mandate what is proposed in this Bill.

SB-416

Submitted on: 2/7/2025 3:01:13 PM

Testimony for CPN on 2/10/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Ann Pitcaithley	Individual	Support	Written Testimony Only

Comments:

My name is Ann Pitcaithley, I have been a resident of Maui for 35 years.. As an advocate for pet welfare and pet owners. I am testifying in strong support of SB416. I have been a volunteer at the Maui Humane Society for over a year. I own two cats and can relate to the deep emotional bonds people have with their pets. They are a part of the family. Sometimes, their pet is the only member of their family. Housing rentals in Maui are the highest in Hawaii and the nation. Even prior to the Lahaina fires, there was a housing crisis, with few housing rentals as compared to the number of vacation rentals. In conducting a search on Maui Craigslist, it is almost impossible to find rentals that allow pets. Landlords who do allow pets, have imposed additional cost prohibitive monthly fees and deposits for pet owners. There are no limits to the amount that landlords can raise the rent or charge for pets. The situation is so dire; there have been people who choose homelessness rather than giving up their pets. Fire impacted people and others have left Maui or had to settle for Maui rentals that did not allow pets. As a result, finding no other options, has had to leave their pets behind. There have been reports of animal abandonment of dogs and cats on the streets, or the dumping of cats at cat colonies, in the hopes that others will care for them. It is also a crisis for Maui Humane Society, who has been at over capacity due to pets surrendered since August 2023 after the Lahaina fires.

I often meet residents who visit the shelter who lament that their rentals prohibit pets, but find enjoyment in petting, and interacting with the animals there. In support of keeping people together with their pets, please pass this much needed bill.

I appreciate the opportunity to provide my testimony.