

ACT 169

S.B. NO. 496

A Bill for an Act Relating to the Landlord-tenant Code.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 521-44, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) At the termination of a rental agreement in which the landlord required and received a security deposit if the landlord proposes to retain any amount of the security deposit for any of the purposes specified in subsection (a), the landlord shall so notify the tenant, in writing, unless the tenant had wrongfully quit the dwelling unit, together with the particulars of and grounds for the retention, including written evidence of the costs of remedying tenant defaults, such as estimates or invoices for material and services or of the costs of cleaning, such as receipts for supplies and equipment or charges for cleaning services. The security deposit, or the portion of the security deposit remaining after the landlord has claimed and retained amounts authorized under this section, if any, shall be returned to the tenant not later than fourteen days after the termination of the rental agreement. If the landlord does not furnish the tenant with the written notice and other information required by this subsection, within fourteen days after the termination of the rental agreement, the landlord shall not be entitled to retain the security deposit or any part of it, and the landlord shall return the entire amount of the security deposit to the tenant. A return of the security deposit or the furnishing of the written notice and other required information [complies with the requirements of this subsection] in compliance with the requirements of this subsection shall be presumptively proven if mailed to the tenant, at an address supplied to the landlord by the tenant, [by certified mail, return receipt requested,] with acceptable proof of mailing and post-marked before midnight of the fourteenth day after the date of the termination of the rental agreement[.] or if there is an acknowledgment by the tenant of receipt within the fourteen-day limit. All actions for the recovery of a landlord’s complete or partial retention of the security deposit shall be instituted not later than one year after termination of the rental agreement.”

SECTION 2. Section 521-71, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) When the tenancy is [month to month,] month-to-month, the landlord or the tenant may terminate the rental agreement upon the landlord’s or the tenant’s notifying the other, in writing, at least twenty-eight days in advance of the anticipated termination. When the landlord provides notification of termination, the tenant may vacate at any time within the last twenty-eight days of the period between the notification and the termination date, but the tenant shall notify the landlord of the date the tenant will vacate the dwelling unit and shall pay a prorated rent for that period of occupation. When the tenant provides notice of termination, the tenant shall be responsible for the payment of rent through the twenty-eighth day. Before a landlord terminates a month-to-month tenancy where the landlord contemplates voluntary demolition of the dwelling units, or conversion to condominium property regime under chapter 514A, the landlord shall provide notice to the tenant at least one hundred twenty days in advance of the anticipated demolition or anticipated termination, and shall comply with the provisions relating to conversions provided in section 514A-105. If notice is revoked or amended and reissued, the one hundred twenty-day period shall begin from the date it was reissued or amended. Any notice provided, revoked, or amended and reissued shall be in writing.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 7, 1989.)