

ACT 200

S.B. NO. 930

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

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

SECTION 1. Chapter 521, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§521- Application screening fee.** (a) When a landlord or the landlord’s agent receives a request from an applicant to rent a dwelling unit, the landlord or the landlord’s agent may charge the applicant an application screening fee at the time the application is processed for the dwelling unit to cover the costs of obtaining information about the applicant; provided that a landlord or the landlord’s agent shall only charge an application screening fee for an applicant who is eighteen years of age or older or an emancipated minor. Information sought by the landlord or the landlord’s agent charging the fee may include personal reference checks, tenant reports, criminal background checks, and credit reports produced by any consumer credit reporting agency.

(b) Upon request by the applicant, a landlord or the landlord’s agent shall provide to the applicant a:

- (1) Receipt for payment of the application screening fee; and
- (2) Breakdown of costs covered by the application screening fee.

(c) A landlord or the landlord’s agent shall return to the applicant any amount of the application screening fee that is not used for the purposes authorized by this section within thirty days after the landlord has submitted screening requests.

(d) For the purposes of this section:

“Consumer credit reporting agency” has the same meaning as in section 489P-2.

“Credit report” has the same meaning as in section 489P-2.”

SECTION 2. The office of consumer protection of the department of commerce and consumer affairs shall produce and make available informational materials to provide landlords and applicants with notice regarding the specific rights and obligations established pursuant to this Act and shall widely publicize the requirements for application screening fees under this Act.

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.<sup>1</sup>

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SECTION 5. This Act shall take effect on July 1, 2023; provided that section 1 of this Act shall take effect on May 1, 2024.

(Approved July 3, 2023.)

**Note**

1. Edited pursuant to HRS §23G-16.5.