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# 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 security deposits  
2 can help ensure tenants will timely pay their rent and maintain  
3 their rental property in an appropriate manner. The legislature  
4 further finds that security deposits, as defined in the  
5 residential landlord-tenant code under chapter 521, Hawaii  
6 Revised Statutes, can only be used by a landlord for accidental  
7 or intentional damages, cleaning the unit, or compensating for  
8 damages caused by a tenant who wrongfully quits the unit.  
9 However, the legislature also finds that landlords may rent  
10 their property to tenants who then take on obligations, such as  
11 sewer, water, and electricity expenses, that, if unpaid, could  
12 affect the property.

13           Accordingly, the purpose of this Act is to amend the  
14 residential landlord-tenant code to allow use of the security  
15 deposit for specific unpaid charges when a tenant moves out,  
16 including:

17           (1) Replacing keys, including key fobs, parking cards,  
18           garage door openers, and mail box keys; and



1           (2)   Paying for utility service provided by the landlord  
2                   under the rental agreement but not included in the  
3                   rent.

4           SECTION 2.   Section 521-8, Hawaii Revised Statutes, is  
5 amended by adding a new definition to be appropriately inserted  
6 and to read as follows:

7           "Utility service" means service for electricity, water,  
8 sewer, and natural gas."

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

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

14           (1)   Remedy tenant defaults for accidental or intentional  
15 damages resulting from failure to comply with section  
16 521-51, for failure to pay rent due, or for failure to  
17 return all keys, including key fobs, parking cards,  
18 garage door openers, and mail box keys, furnished by  
19 the landlord at the termination of the rental  
20 agreement;



- 1           (2) Clean the dwelling unit or have it cleaned at the  
2           termination of the rental agreement so as to place the  
3           condition of the dwelling unit in as fit a condition  
4           as that which the tenant entered into possession of  
5           the dwelling unit;
- 6           (3) Compensate for damages caused by a tenant who  
7           wrongfully quits the dwelling unit; [~~and~~]
- 8           (4) Compensate for damages under subsection (b) caused by  
9           any pet animal allowed to reside in the premises  
10          pursuant to the rental agreement[~~-~~]; and
- 11          (5) Compensate the landlord for moneys owed by the tenant  
12          under the rental agreement for utility service  
13          provided by the landlord but not included in the  
14          rent."

15           SECTION 4. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17           SECTION 5. This Act shall take effect on November 1, 2015.



**Report Title:**

Residential Landlord-tenant Code; Security Deposit; Utility Service

**Description:**

Amends the residential landlord-tenant code to allow use of the security deposit to: replace keys, including key fobs, parking cards, garage door openers, and mail box keys; and pay for utility service provided by the landlord under the rental agreement but not included in the rent. Takes effect 11/01/2015. (SD1)

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

