

JAN 18 2013

A BILL FOR AN ACT

RELATING TO ANIMALS.

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

1 SECTION 1. Section 521-44, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:

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

6 (1) Remedy tenant defaults for accidental or intentional
7 damages resulting from failure to comply with section
8 521-51, for failure to pay rent due, or for failure to
9 return all keys furnished by the landlord at the
10 termination of the rental agreement;

11 (2) Clean the dwelling unit or have it cleaned at the
12 termination of the rental agreement so as to place the
13 condition of the dwelling unit in as fit a condition
14 as that which the tenant entered into possession of
15 the dwelling unit; ~~and~~

16 (3) Compensate for damages caused by a tenant who
17 wrongfully quits the dwelling unit ~~[]~~; and



1 (4) Pay for damages caused by an animal allowed to reside
2 in the premises pursuant to the rental agreement.

3 (b) The landlord may require as a condition of a rental
4 agreement a security deposit to be paid by or for the tenant for
5 the items in subsection (a) and no others, in an amount not in
6 excess of a sum equal to one month's rent[-] plus an amount
7 agreed upon by the landlord and tenant to allow one or more
8 animals to reside in the premises pursuant to the rental

9 agreement, if applicable. The landlord may not require or
10 receive from or on behalf of a tenant at the beginning of a
11 rental agreement any money other than the money for the first
12 month's rent and a security deposit as provided in this section.

13 [The] No part of the security deposit shall [not] be construed
14 as payment of the last month's rent by the tenant, unless
15 mutually agreed upon, in writing, by the landlord and tenant if
16 the tenant gives forty-five days' notice of vacating the
17 premises; in entering such agreement, the landlord shall not be
18 deemed to have waived the right to pursue legal remedies against
19 the tenant for any damages the tenant causes. Any such security
20 deposit shall be held by the landlord for the tenant and the
21 claim of the tenant to the security deposit shall be prior to



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1 the claim of any creditor of the landlord, including a trustee
2 in bankruptcy, even if the security deposits are commingled."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

6

INTRODUCED BY: _____

Chamiller



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Report Title:

Residential Landlord-tenant Code; Security Deposit; Animals

Description:

Allows a landlord to hold a tenant's security deposit for the purpose of paying for damages caused by an animal residing in the premises. Authorizes a landlord as a condition of a rental agreement to add to the security deposit an amount for an animal to reside in the premises.

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